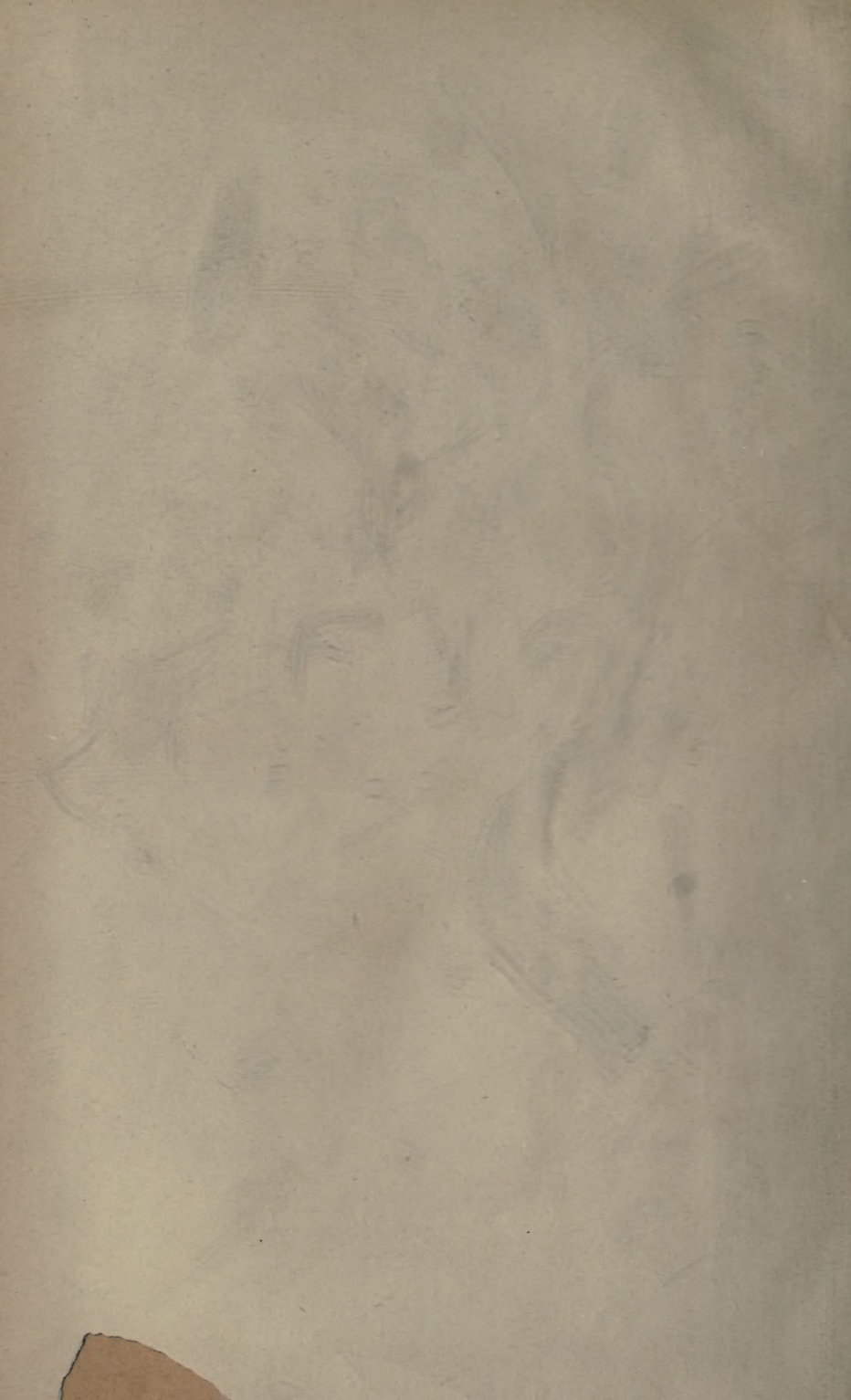


RECORDS OF THE CAPE COLONY.



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RECORDS OF THE CAPE COLONY

From APRIL to JUNE 1825.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
MANUSCRIPT DOCUMENTS IN THE PUBLIC
RECORD OFFICE, LONDON,

BY
GEORGE M^cCALL THEAL, D.Lit., LL.D.,
COLONIAL HISTORIOGRAPHER.

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22/10/04

VOL. XXI.

PRINTED FOR
THE GOVERNMENT OF THE CAPE COLONY.

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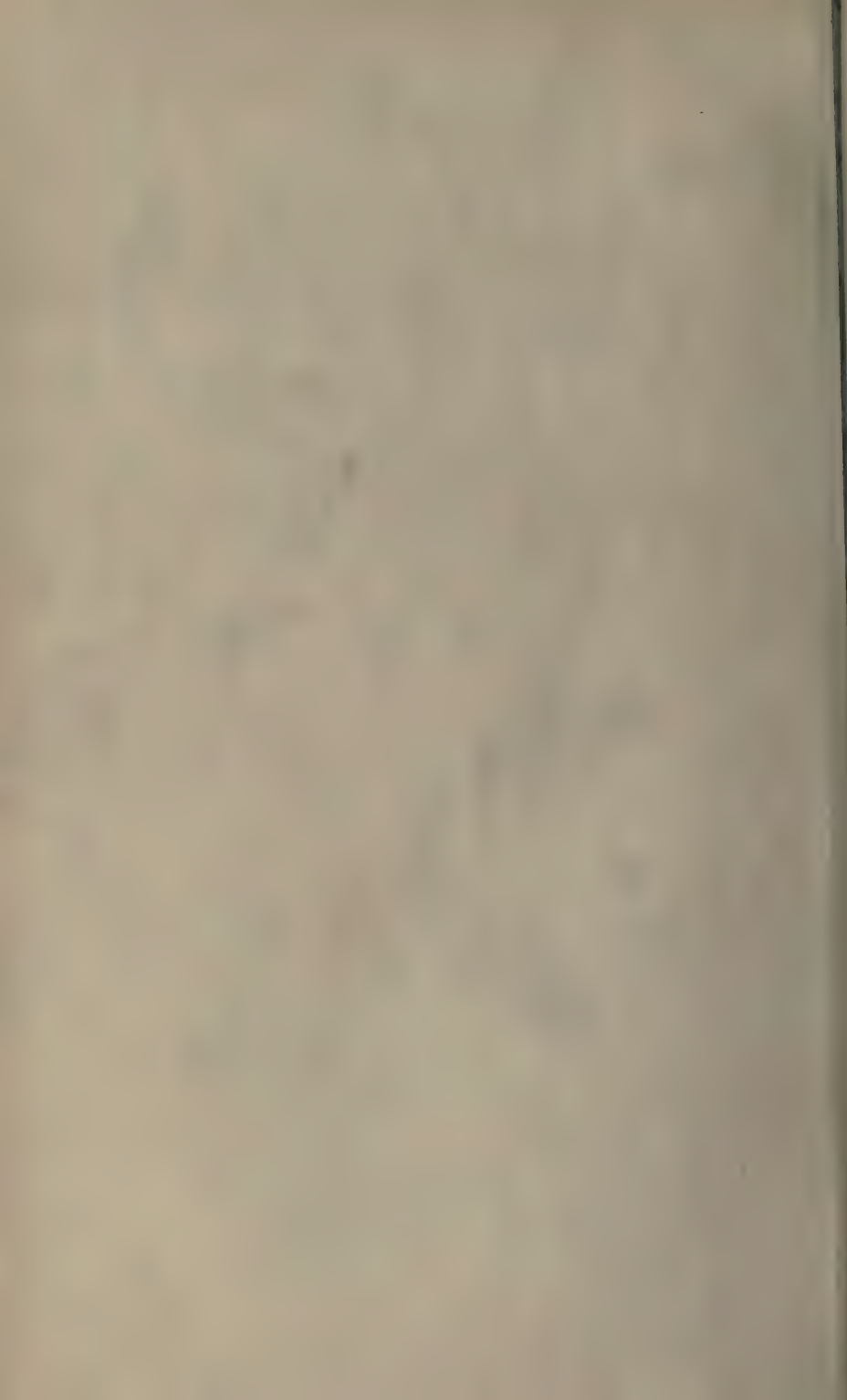
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RECORDS OF THE CAPE COLONY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 4th April 1825.

MY LORD,—Since I had the honor of addressing your Excellency on the 26th Ultimo, Mr. Bishop Burnett has addressed another representation to my Under Secretary of State, of which I annex a copy for your Excellency's information.

It appears from the documents annexed to that representation that your Excellency had directed Mr. Burnett to be prosecuted for a Memorial which he presented to You praying for a revision of certain judicial proceedings which had been adopted against him under the decision of a Commission of Circuit. In this Memorial he took occasion to make the grossest charges against the Judicial Authorities of your Excellency's Government. I am ready to admit that this was not necessary for the furtherance of his application ; nor am I prepared to deny that the presenting a Memorial to your Excellency containing defamatory charges against any of the Public Authorities may be prosecuted according to the Dutch Law. But you must be aware that this is not the case according to the English Law, and in administering the Law in your Government, more particularly in what relates to the right of petitioning, the Dutch Law should be tempered by that of this Country. If indeed the Dutch Law allow the right of justification of the libel on these occasions (and from some passages in the copy of the trial which has been transmitted to this Department by Mr. Burnett I am inclined to imagine it does) some of the evil which arises from a proceeding of this

nature may be obviated, but I cannot persuade myself that under all the circumstances in which this case appears to have come before your Excellency, you have made a discreet exercise of your authority, if indeed you have not even exceeded it. Before however I come to any final decision on this subject, I must request you will state to me (if you have not already done so) whether there were any reasons, either in the public manner in which such a Memorial was presented to you, or the notoriety of the fact, and the impression which that notoriety accordingly made on the public mind, which induced you to adopt this course of proceeding. I have &c.

(Signed) BATHURST.

[Original.]

*Letter from MR. ABRAHAM BORRADAILE to R. W.
HORTON, ESQRE.*

25 ROOD LANE, 4th April 1825.

SIR,—After the trouble you were good enough to take on behalf of the Cape of Good Hope Trade with respect to the Wine duties Bill, it is with reluctance I again intrude upon you, but as a Bill for Establishing a Banking Company at the Cape of Good Hope is now *silently* on its way through Parliament, which will rest in the hands of the parties (few of whom are interested in the welfare of the Colony) a power which may possibly be used by them to the great prejudice of all interested in its Trade as well as prove very troublesome to His Majesty's Government in any steps they may be disposed to take with respect to the Currency of that Colony, I shall be much obliged by your allowing me a few minutes Conversation to point out the view which is taken of this Measure by the whole of the Cape of Good Hope Trade with scarcely one exception. I am &c.

(Signed) ABRAHAM BORRADAILE,
Chairman of the Cape of Good Hope Trade Committee.

[Copy.]

Extract from The Times of 5th April 1825.

The case of Mr. Burnett, a colonist of some consequence at the Cape of Good Hope, has been frequently before the public. That gentleman has now arrived in England, under a sentence of five years' banishment from that Colony, and is endeavouring to obtain such redress from Ministers as the harsh treatment to which he has been subjected may appear to call for. Under these circumstances, it may be useful to the general administration of our Colonies, as well as to the individual principally concerned, to restate the offence with which this gentleman is charged.

Having a suit in the Court of Justice, involving property to the amount of 60,000 dollars, in which Mr. Burnett was plaintiff, and one Robert Hart (manager of an estate belonging to the Governor, called Somerset farm) defendant, some occurrences took place which led him to impugn the grounds on which certain decisions of that Court were made. Mr. Burnett, therefore, addressed a memorial to the Governor, in which he charged two of the members of this Court with a violation of justice in their capacity of Commissioners of Circuit. Mr. Burnett gave no publicity whatever to this memorial, nor was he charged on his trial with having done so; but merely forwarded it to the Governor with the view of obtaining redress in the only quarter where he could with propriety look for it. He was, however, found guilty, and subjected to the severe sentence before mentioned. If this case is truly stated, and we have every reason to believe so, it carries its own comment with it, and may be safely left to make its own impression on every unprejudiced mind.

[Original.]

*Letter from MR. ABRAHAM BORRADAILE to R. W.
HORTON, ESQRE.*

COMMITTEE ROOM, ROOD LANE, 8th April 1825.

SIR,—Since I had the honor of seeing you on the 7th Inst., Mr. Ebdon has made some communications to the Committee

of the Cape Trade respecting the proposed Banking Company at the Cape of Good Hope which have altered the view they took of the subject when I had the honor of addressing you on the 4th Instant, and I have now the pleasure to enclose you a Copy of the Resolutions passed at the Committee, which will render it unnecessary for me to trouble you further on this Matter, unless at your own Desire, in which case I would wait upon you at any time you thought proper. I am &c.

(Signed) ABRAHAM BORRADAILE,
Chairman of the Cape of Good Hope Trade Committee.

[Enclosure in the above.]

Resolved: That the Establishment of a Bank at the Cape of Good Hope without any exclusive privilege, on the Basis of a Metallic Currency, is a Measure well calculated to advance the commercial and agricultural Interests of the Colony, and as such, is deserving of the Support of all persons connected with that Colony.

Resolved: That the Explanation made by Mr. Ebdon regarding the Establishment of a Bank at the Cape of Good Hope is satisfactory to the Committee, and if no essential alteration is made in the proposed Bill now passing through Parliament the Committee will give the measure their Support.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., to MR. BISHOP BURNETT.

DOWNING STREET, 9th April 1825.

SIR,—I have laid before Earl Bathurst your communication of the 28th ultimo.

It has always been his Lordship's rule not to decide on ex parte statements, and there is certainly nothing in the temper of your communications to induce him to pursue a different line of conduct in this instance.

So far as relates to your recent trial, you are aware that the Papers enclosed in your last letter are neither so complete nor so authentic as to justify his Lordship in viewing them as an

accurate copy of the whole of the proceedings, without which his Lordship could not appreciate the merits of the case.

With respect to your complaints generally, you have admitted as already observed, that they have been brought under the investigation of the Commissioners of Enquiry.

Under these circumstances Lord Bathurst would of course have suspended his opinion on the merits of your case and the justice of your claims until he had heard from the Commissioners, even if the manner in which you have pressed for an immediate decision before the report arrives did not make it peculiarly advisable to wait for it. I am &c.

(Signed) R. W. HORTON.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 10 April 1825.

MY LORD,—With reference to the instruction which I have already had the honor of conveying to your Excellency on the 6th of March respecting the introduction of the British System of Currency into the Settlements of the Cape of Good Hope ; I now enclose for the information and guidance of your Excellency in Council a Copy of an Order of His Majesty in Council which has been issued for the purpose of giving Currency to British Silver and Copper Money throughout the British Colonial Possessions, and of fixing its value in payments which may now be made in Rix Dollars under the Laws and Usages of the Cape of Good Hope.

I likewise transmit herewith for your Excellency's information a Copy of a Circular instruction which the Lords Commissioners of His Majesty's Treasury have directed to be addressed to the Officers in charge of the duties of the Commissariat Department in the several Colonies explaining the arrangements under which the views of His Majesty's Government are to be carried into effect ; and I have to desire that your Excellency will promulgate and give the fullest publicity to these documents. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 11th April 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 11th of October last, marked confidential, enclosing copies of a correspondence which had passed between you and the Reverend Dr. Philip upon the subject of his application to obtain repossession of the Printing Presses belonging to the London Missionary Society which he had placed at the disposal of the Printer Greig, for the purpose of enabling this person to publish a journal.

Your Excellency likewise encloses printed copies of a correspondence which had taken place in the Colony in consequence of certain charges which Dr. Philip had publicly preferred against the Magistracy of Albany, and which were deemed calumnious.

Impressed as I was by a perusal of these documents with the marked impropriety of Dr. Philip's conduct, I was about to address a strong representation upon the subject to the Missionary Society, when my attention was accidentally called to the observations which have been published by Dr. Philip, in reply to the printed correspondence.

The date of this publication shows that it must have been circulated in the Colony some time before the conclusion of the preceding year. Your Excellency has, however, addressed to me several dispatches since that period, which make no mention of Dr. Philip's publication, and it cannot have escaped your notice that in your dispatch of the 11th of October of last year, you had specifically requested that I would bring that Individual's conduct under the notice of his employers.

By withholding from my knowledge the facts, if they be true, which appear to have been elicited in corroboration of Dr. Philip's charges against the Landdrost of Albany, your Excellency has omitted to supply me with information with which it was extremely important that I should have been made acquainted at the earliest period, and the absence of which might have induced me to make a decision which I might have been under the necessity of subsequently revoking; and if it

be true, which I desire to know, that since the publication of Dr. Philip's pamphlet the Landdrost of Albany has tendered the resignation of his office, your Excellency must be well aware that however objectionable the mode of proceeding may be which Dr. Philip has thought proper to pursue, yet that the charges which he has preferred against Mr. Rivers would no longer justify his removal from the Colony as being altogether false and unfounded. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 12th April 1825.

MY LORD,—I have the honor to acknowledge the receipt of Your Excellency's dispatches of the numbers and dates noted in the margin.

The reports which you have transmitted respecting the state of the
No. 118—9 October 1824
,, 122—26 „ „
,, 131—27 November „
Government House, have satisfied me as to the necessity of undertaking a thorough repair of that Building, and I am, therefore, prepared to sanction the arrangements under which your Excellency proposes to effect this service progressively; but I have to express my desire that you will under no circumstances allow the estimated expenditure of these repairs to be exceeded without the previous sanction of His Majesty's Government.

With respect to the Mess Room which your Excellency has directed to be built at Graham's Town for the accommodation of the Officers of the Cape Corps, I have to observe that although the Papers transmitted by your Excellency may prove the necessity of rebuilding the Mess Room, yet that you have assigned no satisfactory reason for having withheld a communication of your intention until the tenders had been received, the contract entered into, and the building actually commenced, although it appears that you must have decided

upon this measure before the 18th of May 1824 when you directed your Military Secretary to notify to the Officers of Engineers to receive tenders for building the Mess room, and I must remind your Excellency that you have since that date written several dispatches without communicating to me such decision.

Your Excellency cannot but be aware that in so acting you have transgressed the positive instructions of the Lords Commissioners of the Treasury ; and that unless this expenditure is authorised, the Commissioners for auditing Colonial Accounts will be compelled to consider you personally responsible for it. As I have, however, every reason to believe that it is an expenditure required for the Service of the Colony, and as under this conviction I should have assented to it, if it had been duly brought under my consideration, I shall not withhold my consent, but I must beg that you will be more on your guard in future.

I am not at present prepared to convey to you any instructions respecting the erection of Barracks for the Officers of the Cape Corps, and you will, therefore, refrain from adopting any measures upon this subject until further orders.

I have &c.

(Signed) BATHURST.

[Copy.]

Abstract Statement of Losses and Damages reported to have been sustained by the Inhabitants of the respective Districts, and of the Public Buildings injured by the Storms in July 1822, together with a Statement of the Amount of Relief afforded.

Districts.	Town or Village.	No. of Inhabitants who sustained Damage.	No. of Public Buildings injured.	Loss of Stock.	No. of Inhabitants relieved.	Amount advanced in Loans to Individuals.	Amounts advanced for Public Buildings.
Cape . .	Cape Town .	65	3	—	—	—	—
	Simon's Town .	4	—	—	4	Rds. 6,000	—
	9 Field Cornetries .	110	3	—	27	Rds. 30,000	—
Stellenbosch	Stellenbosch Village	89	5	{ Cattle 75 Horses 11 Sheep 325 Goats 20 }	90	Rds. 56,500	Rds. 3,500
	Somerset Village .	16	3				
	Paarl Village .	67	2				
	17 Field Cornetries	340	—				
Worcester .	Tulbagh Village .	No Returns furnished	Drostdy Buildings	—	—	—	—
	Worcester Village .	Do.	—	—	—	—	—
	Field Cornetries .	Do.	—	—	—	Rds. 2693 lsk. offered but not advanced	Rds. 100,000
	—	Do.	—	—	—	—	—
George. .	—	Do.	—	—	—	—	—
Albany .	—	Do.	—	—	Unknown	Rds. 36,450	—
Graaff Reinet	—	Do.	—	—	2	Rds. 7,000	—

The above Statement is made out from the Returns and Documents furnished to the Commissioners of Inquiry.

(Signed) JOHN GREGORY, Secretary.

CAPE TOWN, 12th April 1825.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 13th April 1825.

MY LORD,—I have the honor to transmit to your Excellency herewith enclosed a copy of a note which has been addressed to His Majesty's Principal Secretary of State for Foreign Affairs by the Bavarian Chargé d'Affaires at this Court requesting to be favoured with some particulars of information respecting two brothers Gabriel and John Henry Exter, respecting whom no intelligence has been received by their friends in Europe since the year 1790 ; and I have to request that your Excellency will be good enough to direct that enquiries be instituted respecting those Individuals, and that you will report to me what may have been their fate.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., *to the* COMMISSIONERS OF ENQUIRY.

DOWNING STREET, LONDON, 13th April 1825.

GENTLEMEN,—I am directed by Earl Bathurst to transmit to you enclosed a statement which has been delivered to his Lordship of the price of various descriptions of labour at the Cape of Good Hope in the year 1824 ; and I am to request that you will favor me for his Lordship's information with any observations which you may feel desirous of offering on the accuracy of the points which form the subject of that statement. I have &c.

(Signed) R. W. HORTON.

[Copy.]

*Letter from the Landdrost of Swellendam to the
Commissioners of Enquiry.*

SWELLENDAM, 13th April 1825.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 5th instant, and to transmit the statement therein required of the taxes levied in this district, at the opgaaf of the present year, and of the mode in which the assessment of the extraordinary taxes has been proportioned to the property of each inhabitant.

The opgaaf is now under collection, and when it shall be closed, I shall have the honour to transmit to you an account of the amounts received for extraordinary taxes.

I have &c.

(Signed) HARRY RIVERS.

*Statement of Taxes levied at the Opgaaf of the Year 1825, in the
District of Swellendam.*

ORDINARY TAXES :

		<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Head Money :	for a man above 16 years of age	2	4	—
	a married woman	2	4	—
	a woman above 20 years of age	2	4	—
Tax on Cattle :	saddle or draught horses, each	—	—	4
	breeding horses and black cattle	—	—	2
	25 sheep, goats or pigs	—	1	—
Tax on Produce :	each muid of wheat, barley, oats or rye	—	—	2
	each leaguer of wine	—	2	4
	Ditto brandy	—	6	—

The above are levied according to the proclamation of the 1st April 1814.

EXTRAORDINARY TAXES :

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Commando Tax : the amount of which has been fixed by letter from the colonial secretary, dated 15th February 1817, at per annum	7,000	—	—
Contribution for waggons, horses, &c. required for the public service, which has amounted in the year 1824 (per estimate) to	4,452	3	5
Church Money	—	—	—
Rewards for the destruction of noxious animals, which have amounted for the year 1824 (per estimate) to	2,203	—	—

The Commando Tax has been levied under the proclamation of the 1st April 1814.

The Contribution for waggons, horses, &c. has been levied under the proclamations of the 1st April 1814 and 14th February 1817.

The Church Money has been levied under the proclamation of the 1st April 1814.

The Rewards for the destruction of noxious Animals have been levied under the proclamation of the 21st March 1822.

The Extraordinary Taxes, with the exception of the church money, are assessed upon a value, fixed in the year 1813, of the property in lands, slaves, cattle, produce and waggons of the inhabitants, which mode of assessment was sanctioned by letter from the colonial secretary, dated 9th July 1813.

The rate of assessment on persons whose property (according to such valuation) amounts to Rds. 2,000, is,

For Commando Tax	1	rix dollar per thousand.
Contribution for waggons, horses, &c.	$\frac{3}{4}$	ditto . . ditto
Rewards for destruction of noxious animals.	$\frac{1}{2}$	ditto . . ditto

The rate of assessment on persons whose property does not amount to Rds. 2,000, is, for each person,

	Commando Tax.	Contribution for Waggons, Horses, &c.	Rewards for the Destruction of Noxious Animals.
	Rds. sk. st.	Rds. sk. st.	Rds. sk. st.
If under Rds.2,000 and more than 1,000	2 - -	1 - -	- 2 -
If under Rds.1,000	1 - -	- 4 -	- 2 -

The amount of valuation fixed in 1813 of the property, is not more than one half of the present real value thereof, and the debts thereon are deducted from the amount upon which the tax is levied.

The rate levied for Church Money is,

For each place	per annum	Rds. sk. st.
„ Erf	ditto	4 2 4
		2 1 2

Detailed Statement of the Principles upon which the Extraordinary Taxes in the Swellendam District are assessed to each Individual, and of the Rate of Assessment as prevailed in said District at the appointment of the present Landdrost, and still continues.

When the levying of Extraordinary Taxes was introduced, the late Landdrost, Mr. Buissinne, fixed upon the mode still in practice ; shortly afterwards, Mr. P. L. Cloete lodged a complaint respecting the same with the then Governor, Sir John Cradock, against said late Landdrost, when the Governor's decision was given in favour of that mode of levying, and Mr. Buissinne's proceedings on that head were approved of, as will appear by the annexures.

The Extraordinary Taxes consist of,—

PERMANENT :

So long as the exigencies for which they are raised continue to exist :

Commando Tax ;

Contribution for waggons, horses, &c. required for the public service ;

Maintenance of the Lepers ;

Rewards for the destruction of noxious Animals.

N. B.—Those items are levied per *mille*, from the valuation of the property, as stated hereunder ; and the rate of assessment is proportioned according to an estimate of the amount to be defrayed, the overplus of which, if there be any, is carried to the next year's credit of that item.

TEMPORARY :

Church Money for each place	.	.	.	.	<i>Rds.</i>	4	2	4
Ditto erf	.	.	.	.	.	2	1	2

The last two items are levied conformable to the 18th article of the proclamation of the 1st April 1814.

INCIDENTAL :

If any is requisite for defraying such expenses as the district fund is not adequate to meet, the sanction of government is, on the suggestion of the Board of Landdrost and Heemraden, previously obtained, according to the 4th article of the proclamation dated 1st April 1814.

The valuation of the possessions of the inhabitants was, in order to levy said extraordinary taxes, (which is done per *mille*,) fixed by Mr. Buissinne, as follows :—

A place fit for the cultivation of grain, vines, as also for pasturage, &c.	Rds. 3,000	-	-
A place only adapted for pasturage and the cultivation of grain	2,000	-	-
A grazing farm	1,000	-	-
An erf situated in the town	1,000	-	-
A saddle horse	50	-	-
A breeding horse	25	-	-
An ox	20	-	-
A cow	10	-	-
A wether	2	-	-
A breeding sheep	1½	-	-
A goat	1	-	-
A muid of wheat	5	-	-
Ditto barley and oats	2	-	-
A waggon	200	-	-
A cart	100	-	-
A slave above 16 years of age	1,000	-	-
Ditto under ditto	500	-	-
A leaguer of wine	60	-	-
Ditto brandy	120	-	-

Adopted since the Administration of the late Landdrost, Mr. Buissinne :—

Those persons whose possessions, according to the foregoing valuation, do not amount to Rds. 2,000, are assessed by the Board of Landdrost and Heemraden at a rate, varying annually according to the amount of the extraordinary expenses ; and this assessment to each individual for this year was ; viz.

For Commando Tax	Rds. 3	-	-
- Transport	2	4	-
- Leper Money	2	4	-
- Destruction of noxious Animals	-	6	-

Those not possessing Rds. 1,000 (chiefly composed of mechanics, unmarried males above 16, and females unmarried above 20 years of age) :

For Commando Tax	Rds. 2 4 -
- Transport . . . . .	. 1 4 -
- Leper Money . . . . .	. 1 - -
- Destruction of noxious Animals	- 4 -

The mode of assessing these two last classes has been introduced in conformity with the 22nd article, connected with the 10th article, of the proclamation dated 1st April 1814.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to the REVEREND WM. GEARY.

DOWNING STREET, 14th April 1825.

SIR,—I have not failed to lay before Earl Bathurst the several representations which you have addressed to me in explanation of your conduct on various occasions which appears to have been the subject of much correspondence between the Civil Authorities of the Cape and you previously to your removal from the Colony.

Without now entering into any detailed consideration of the causes which led you to pursue a line of conduct, the immediate effect of which was to impair in a very marked degree the respect due to your professional character, Lord Bathurst is of opinion that your return to the Cape would not be productive of advantage either to yourself or to the Colony ; but if you shall be able to produce testimonials in your favor from any dignitary of the Church, his Lordship will be prepared to place you in some other Clerical Situation in which he trusts that you may conduct yourself with more discretion.

With respect to the expenditure you state to have laid out on your residence at Graham's Town, under the impression that you were to remain there, your application will be taken into consideration. I am &c.

(Signed) R. W. HORTON.

[Original.]

Letter from the REVEREND WM. GEARY to R. WILMOT
HORTON, ESQRE.

26 KING STREET, WESTMINSTER, 14th April 1825.

SIR,—I have the Honor to acknowledge the Receipt of your Letter of this date, and request you will do me the favor to express to Earl Bathurst the grateful sense I entertain of His Lordship's kindness, in being willing, on my producing testimonials in my favor, from any Dignitary of the Church, to place me in another Clerical situation. With every hope of being soon enabled to comply with His Lordship's conditions,

I have &c.

(Signed) WM. GEARY.

[Original.]

Letter from MR. BISHOP BURNETT to R. WILMOT HORTON, ESQRE.

6 DUKE STREET, WESTMINSTER, 14 April 1825.

SIR,—In acknowledging the receipt of your letter dated the 9th Inst., I beg to supply what, in all probability, may have proved a serious omission in laying a Copy of my Trial before you.

In the Dutch Copy, which I returned to the Secretary of the Court of Justice for translation conformably to its order upon my application to this effect, will be found all the proceedings in the English language which may appear deficient in the translation. To avoid repeating these, the translator merely headed them, and referred to the contents of the Dutch Copy, so that every document connected with the Trial will be found amongst the papers deposited in Downing Street. I can assert most positively that however badly transcribed and unofficial in their appearance, the papers before you contain an entire report of the trial without the deficiency of a single document.

I must Sir be permitted to protest against imputations I do not merit, whilst my silence might be construed into an admission of their truth. You state that "I am aware that the papers enclosed in my last letter are neither so complete, nor so authentic, as to justify his Lordship &c. &c." So far from having admitted, even by implication, much less stated, anything of the kind, I am prepared to make oath that they are both complete and authentic; and as contributory to his Lordship's just appreciation of the merits of the Trial as any that can be obtained by your department from the Cape. It would be the severest censure imaginable upon the Court of Justice to charge it with giving a person in my situation an incomplete or unauthentic Copy of a Trial it is bound by oath to supply verbatim from the original.

Your allusion to my "more recent Trial" I do not in any way comprehend, as I have never been tried but once. If it refers to my civil actions with Mr. Hart, they are distinct from the question altogether, and have no more to do with the Trial than any other transaction of my life. I do not found my application for redress, in this particular, upon the merits of my charges against the Judges. Lord Charles Somerset would not so much as investigate them, but assumed at once that they were slanderous and unjustifiable. It is from the illegality of my trial, even upon his Lordship's assumption, that I found my pretensions for redress! altho' I am fully prepared to prove the truth of my accusations against these Judges in every particular detailed in the Memorial.

I lament to see his Lordship so unfavourably impressed with an opinion that my communications are intemperate, and hasty; altho' I am not aware of any circumstances that can justify it. In stating a universal opinion in my last letter I intended nothing disrespectful to his Lordship; on the contrary, I was influenced by a principle of candour in disclosing a sentiment so injurious to his administration, which, in other cases as well as mine, might have been founded in the supposed suppression of complaints to his Departments.

The insinuation with which your letter concludes, you must permit me to say I do not in any degree merit. If a delay, however protracted, of the investigation of my grievances was unattended with increased injustice, I should be the last to

exclaim against it, but the contrary is here manifest, for I am not only prevented returning to the conduct of the causes wherein I am appellant, and kept separated from my nearest connections, but I am also plunged into heavy supernumerary expences, with resources utterly inadequate ; and in a state of health so entirely shattered as to leave it doubtful whether his Lordship's justice will prove of any avail if my departure is much longer delayed to a milder climate. I am persuaded I should have been spared this insinuation had Earl Bathurst been acquainted with the humble extent of my claims upon His Majesty's Government—all the redress I seek, for the persecution, the injustice, and the heavy losses I have sustained, is the remission of *the sentence of banishment, that I may be permitted to touch at the Cape of Good Hope* in the course of a pursuit intimately connected with the advancement of nautical science, and that it would encourage my pursuit with its patronage.

This is all I have to ask, and it surely cannot be objected to me that I evince any vindictiveness of feeling, or any disposition to oppose the measures of your department, if, in failing to obtain from it so moderate a compliance, I seek a sterner retribution in the justice of my country upon the guilty head of the man who has so remorselessly endeavoured to crush me.

I therefore ask nothing in anticipation of either favorable or unfavorable results, but simply justice in such of the premises as furnish Earl Bathurst with conclusive materials to judge upon ; and these he certainly has in the copy of my trial, for he can receive none other from the Cape one tittle at variance with the one before him, without a palpable commission of forgery or suppression. To this assertion I am prepared to be sworn.

As I have occasion for the Copy of the Trial, I beg to enquire when I may be permitted to send for it. I am &c.

(Signed) B. BURNETT.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

STOCKWELL, 14 April 1825,

MY LORD,—I should be diffident of addressing your Lordship again but for your favorable intimation of the 6th Instant, for which I must beg to express my grateful acknowledgments.

The additional arguments that I would adduce in elucidation of my claim upon His Majesty's Government, as required by your Lordship, I will chiefly confine to extracts, which cannot fail to impress an unprejudiced mind of the legitimacy and pure origin of my right, after this, I flatter myself that your Lordship will not allow any sinister insinuation to have the effect of disqualifying my Identity.

A Letter from your Lordship's department dated "23 August 1819" states "The printed memorandum of the conditions upon which His Majesty's Government have agreed to grant Lands in that Colony (the Cape) to such individuals as may receive permission to proceed thither as settlers, *distinctly states that the grants will be made to the persons under whose direction the settlers proceed.*"

Another Letter addressed to me, dated 30 September 1819, states, "I am directed by Earl Bathurst to acquaint you that he has had under consideration your letter of the 20th Inst., and he accepts the proposal which you have made to take a party of one hundred able bodied Settlers with their families to the Cape of Good Hope, where a Grant of Land will accordingly be assigned to you on your arrival, in conformity with the regulations laid down by His Majesty's Government."

In consequence of this, and flushed with the advantages held forth in the Government circular, I forthwith printed my circular, dated "October 1819" (herewith enclosed), which was uniformly handed to every applicant desirous of accompanying me to the Cape: my motive for this was obviously intended to establish my prior, and superior right, as Head of the party; that my followers might clearly understand, they were to receive sub-grants from me personally: other written agreements were the consequence of this (my circular), all of which recognize my superior right, and covenant that I shall

make sub-grants &c., it being mutually understood that my authority as Head of the party should cease on our arrival ; but in case of the Settlers removing from my location their sub-grants should become forfeit to me.

In your Lordship's Letter of 9 November 1819 I am informed that " Mr. Hill of the Commissariat Department, Treasury, has reported that you have paid into his hands the sum of £1177 10s. 0d. the amount of your deposit money. I therefore transmit to you by Earl Bathurst's direction, a Letter to the Governor of the Cape of Good Hope, which will *ensure* to you a grant of Land in conformity with the regulations."

The next Letter dated " 7 January 1820 " assures me " with respect to your enquiry as to the mode of drawing the amount of Deposit at the Cape, I am desired by Earl Bathurst to acquaint you that the Governor has been instructed to *pay* you the Deposit *according to the terms laid down in the circular*, (without Interest) and at the average rate of exchange."

With these stipulations, and fully confiding in the good faith of His Majesty's Government, especially in the high honor which irradiates the name of your Lordship in the remotest parts of the globe, elated with the promises contained in your circular, I resolutely withstood all parental entreaty and command, broke the bonds of filial endearment and duty, rushed from the arms of kindred and acquaintance at home, and friends pathetically entreating me to abandon the rash enterprise as visionary and delusive ; I felt that my honor was pledged, and therefore promptly assembled my followers, took my wife and children on board the ship *La belle Alliance*, gave up all my hopes and expectations in England, and embarked in the interesting, but dangerous and the most frail and revolting service abroad, that a British Subject could expose himself to.

On my arrival at the Cape I was informed that I should doubtless receive back the before named Deposit money, and have my Grant of Land, &c., &c., in short, that all and every stipulation made with me on the part of the Crown, before I embarked in England, should and would be faithfully discharged by the Colonial Government, as soon after landing my followers as possible : your Lordship is already but too well informed of what took place at Algoa Bay ; it is therefore

unnecessary, as well as too painful to recapitulate those occurrences ; I therefore can only suppose it requisite, further to inform your Lordship of the manner in which I located my followers in the District of Albany.

The enlightened and humane Landdrost (Colonel Cuyler, in every way worthy of high Authority) afforded me the utmost facility that wisdom and benevolence could suggest, and in truth all the Authorities, (excepting a single and vulgar instance) did everything possible to promote the welfare, harmony, and personal Interests of His Majesty's subjects, in the remote regions I was about to possess.

Having preceded my party to ascertain the most permanent rivulets, and to plan the distribution of the party on the Lands, I conducted the Settlers forward in 3 divisions, planting them on the banks of a Stream (good water) as per enclosed sketch, leaving with them Commissariat supplies for one month's subsistence in the care of the Clergyman, whom I placed in the Center, classing about him the most respectable persons whom I noticed during our voyage, and I divided the most refractory by placing them at the extremes of each wing. This done, I next proceeded to Bathurst about 7 miles distant, there I made every requisite arrangement with the local Magistrate for the supply of Seeds, live stock, &c., &c., and after returning to the Settlers with fresh supplies of provision, finally digesting my plan of Settlement, and lastly arranging with the Clergyman the mode by which every Settler, *by name and number*, should identify by admeasurement his own separate allotment, and putting into Mr. Boardman's hand a copy of my plan for that purpose, together with the mode of drawing future supplies and distributing these to the settlers agreeable to the Instructions received from the Colonial Government, a copy of which I also enclose, I left the party cheerfully commencing their labours upon their new acquired farms, deeming it most prudent to return to Algoa Bay for a while, that the distribution of the Lands which I had made might be final and conclusive ; a mode which I had found greatly advantageous in assigning the berths on board the ship, as preventing discussion and dispute. At length, on my return to Algoa Bay, being exceedingly ill after such excessive exertion, I deemed it prudent

to take a formal leave of the party by addressing the Clergyman to that effect ; a copy of which I enclose for your Lordship.

It was however my intention after this to have conducted my family also within a mile of the party, as before located, and where I had left my Indentured Servants upon a well selected spot, with a view of erecting a House and a small Millwork for the Settlement ; this I found to be impracticable, for two reasons : first, because my Servants had decamped, and stole away my goods, tents, &c., and had hired themselves to other Masters ; and secondly, what is still more remarkable, the malignant Commandant at the Bay (to the astonishment of everybody) desired that the moiety of the Implements belonging to me, which I had requested might remain in Store, and which I designed for my own separate and immediate use in building, Captain Evatt outrageously desired that these should be wholly withheld from me, and be *scratched out* of the 3 Bills of Sale and receipts which I had signed several weeks before, for Public vouchers ! and he compelled me to sign 3 other clean Receipts in lieu of them ; although I should have been most happy to have paid for them, provided I had received the 2nd and 3rd Instalment : thus he rendered my project of building perfectly abortive. Was this business like, My Lord ? or just, or rather, what could be more oppressive ? particularly after he had witnessed the manner too in which I had been plundered of similar articles to a considerable amount a short time before.

This, and such like violations as I have recited in former Letters to your Lordship, encreased the bitterness of my family in the highest degree, and my afflicted wife, ill as she was, (in the agony of despair) addressed a Letter to the Governor, to ascertain by what means I had merited such extraordinary ill treatment, or if by coming to the Cape I had compromised my freedom in any respect ? Nothing could be more ingenuous than His Excellency's Reply dated 5th September 1820, from which I make extract as follows, " Mr. Willson is entirely free and master of his own actions and line of conduct ; and if he finds that this Colony is not suited to his views and wishes, he has the power within himself to withdraw from it. Sir R. Donkin wishes very sincerely that Mr. Willson's expectations may be realized, and that he will not find it advisable or necessary to return to Europe, after having

made so long a voyage; and he begs leave to assure Mr. Willson that it will afford him very great gratification to see Mr. Willson and all his family as prosperous as they themselves wish to be."

In consequence of His Excellency's kind answer, I removed my family to Cape Town, and ultimately on being informed of my Father's death, we returned back to England, pleased with the hope and expectation that at your Lordship's hands we could not fail to meet with entire justice and reimbursement.

It may perhaps appear invidious to speak truth of the Clergyman, who now seeks to supplant me in the Colony, and to take the benefit of all my labours, in grateful return for all my kindness towards him! Suffice it therefore that I exhibit a few of his sentiments, before we embarked, and since we returned home. Mr. Boardman in his letter addressed to me dated 26 October 1819, assures me "as a Clergyman, it will be my constant study to promote piety and religion; as a schoolmaster, useful learning; and as a man, industrious habits, comfort and content amongst the settlers. Should this application merit your notice I can give you unexceptionable references with respect to my moral character and abilities." How truly valuable must a man of such apparent worth be as a Colleague to assist and promote the objects of a man in my situation proceeding to the Cape with 300 Strangers; of course, when I received his testimonials I had no hesitation in engaging Mr. Boardman for this purpose.

Again, he says "my motives for emigration are two, because my income (£60 per annum) is by no means adequate to the expence of supporting my numerous family, and my patrimony small at first diminishes daily. I look upon the man of respectability who promotes emigration to our Settlements as a friend to his Country."

In his Letter 1st November 1819, Mr. Boardman adds, "with respect to the instruction of your children I will undertake the Task, (if indeed it can be called a task) with pleasure, and endeavour to perform it to your satisfaction. The Inhabitants of remote colonies are I fear too apt to fall into a sort of semi-barbarism, to counteract which, and to co-operate with you in promoting civilization and industrious habits among the Settlers, will be the study of &c." And in letter 22 November

1819 he very gratefully adds "for the interest which you have taken in my behalf be pleased to accept for the present my sincere acknowledgements. The time, I trust, is not far off when I shall be enabled to prove myself *not unworthy* of your good opinion," &c. Integrity of deputed Trust in my opinion is the greatest proof of worth. Mr. Boardman also, after I had possessed him with double the quantity of land he was entitled to, and had deputed him to the service of management which I had engaged him for, writes equally grateful in his letter of the 2nd November 1820, which states "your valuable present has arrived safe, and the cuttings seem to be in good order. I gave half of them to Mr. Paul (my Surgeon), and the rest I planted immediately." And requesting my further instructions says "although I am desirous to serve Mr. Ayliff (one of the Settlers) yet as his name is not on your list (my list left with Mr. Boardman) I know not whether I shall be justified in giving him a location, and therefore request your directions on that head."

Is there not ample admission in this my Lord, that Mr. Boardman was acting for me as my agent, and under my directions? Why then has he disclaimed it? Your Lordship and also the Governor cannot fail to recollect the solicitude and pains I took to get his stipend fixed at 2000 Rixdollars per annum. Where then is his gratitude? In his letter which I received on the 28th April 1823, he further states "I have not received any money on your account, neither is it likely that I shall receive any, as the people have neither the power nor inclination to pay their just debts: I have been repeatedly swindled by some whom I should have thought incapable of such an act." Again, "I have to request your advice and direction with respect to the subdivision of the lands. Ten thousand acres have been granted to the party; and as many have left it, those who remain assert that besides their own locations of 100 acres, they have a right to a proportional share of the vacant ones. I maintain that you engaged to give each 100 acres only, and that they can justly claim no more. This is likely to be a bone of contention between myself and the party; with your approbation I will submit the matter to the Colonial Government."

This last letter was enclosed by me to your Lordship, and

then you could entertain no doubt of Mr. Boardman's agency, after you had inspected it, on the contrary in your Letter of the 14 May 1823 you admit in reply "that there is no intention on the part of His Majesty's Government of resuming possession of them (the Lands) under the Terms of the printed conditions of 1819," and with respect to the efficiency of the agency of the Reverend Mr. Boardman, you add "which is to be inferred from a passage in the Letter you have now transmitted from him."

After these several communications to me what can be more clear, my Lord, than that Mr. Boardman was acting, and regarding himself as my Agent? Is it not very improbable that he would require *my approbation*, if he considered he was acting for himself independently and correctly, without it? Wherefore then, my Lord, if this admission of his agency is thus so clearly to be inferred by his writings, will your Lordship prefer to take his word at a remote station! and under the most suspicious motives of self interest and influence?

Moreover, my Lord, I was informed by the Commissary in Chief at the Cape (authority of course which cannot for a moment be doubted) that the official receipts in possession of the Commissariat Department were signed thus:

For THOS. WILLSON

WILLM. BOARDMAN.

Witness: JOHN SMITH.

Can any further evidence then be needful for me to *prove* the truth of my assertion of his agency, or of his tergiversation if he affirms the contrary?

Or, can it be said that the Colonial Government has not recognized Mr. Boardman's agency as *efficient* when I received their Letter dated 19 April 1821, which I also enclosed to your Lordship, and which states "I am to inform you that nothing will be more agreeable to his Excellency than that your views in this Colony should be attended with success, and His Excellency therefore will attend with alacrity to any instructions which shall emanate from the Secretary of State in your regard."

By this Letter from the Colonial Government it clearly appears that no ill-will or disapprobation of any of my proceedings existed on their part, at that date; but on the contrary it seems that it *wholly* rests with your Lordship to issue the requisite authority for confirming the promises held out to me in your printed circular.

When I refer back to so many proofs, I confess, my Lord, that a cold chill thrills through my veins, and instigates a "spirit and style" of expression which I am truly loth to write, but still find it my duty to address to your Lordship, a duty which I owe to my family: trusting to a liberal appreciation of my feelings, that I may fairly stand excused for preferring my claim upon His Majesty's Government with steadiness and an inflexible perseverance. I have &c.

(Signed) THOS. WILLSON.

[Enclosure.]

Settlement at the Cape of Good Hope.

Whereas I the undersigned Thomas Willson, of Bridge Cottage, Chelsea Water Works, Architect, and Commercial Agent, have been accepted by His Majesty's Government, to take out One Hundred able bodied Men, with their Families, to the Cape of Good Hope, whereby I become entitled to a Grant of Land from the British Government in South Africa, of Ten Thousand Acres, with certain Rights, Privileges, and Immunities; and, as a rational project of Cultivation must of necessity be the first measure of a Settlement formed under such circumstances, it is proposed

First. That Ten Gentlemen unite an equal proportion of Funds, and form themselves into a Committee of Management of their own immediate Concerns, and that each provide, or take out, Five able bodied Men, for the purposes of tillage, and other requisite employments, with a sufficient store of Implements, Seeds, and the several necessities of life, so as to enable them to cultivate, immediately after their location, a proportion of Land, equal, at least, to One Acre per Family, and to erect a sufficient number of Cottages, of the simplest

and cheapest character, for the whole of their party, before the rainy season sets in; and that, until such covering is obtained, a provision of Tents shall be made, as a temporary resort. As this arrangement is merely designed for the above Society, it is submitted only as a principle upon which other Societies of the whole party may be formed upon a rational mode of proceeding.

Secondly. That, duly considering the feelings of a party of British Subjects, leaving their native country to take the benefit of the advantages held out by His Majesty's Government, it will be my first care to make the most liberal provision and distribution of the Lands with which I am to be invested by a Grant from the Crown, in order that such Subjects, who so well understand the nature and value of rational liberty, may enjoy an undoubted right, and be enabled fairly to prosecute those objects of improvement, by agricultural pursuits, and the formation of a well organized state of Society, as may be consistent with my individual rights, as Lord of the Manor; the general good; the order, harmony, and welfare of the Settlement; with the reservations, laws, and public views of His Majesty's Government.

Thirdly. For the better regulation and management of so large a party, I propose, One Individual out of every Ten shall be selected as a Director, to represent such party, which will create a division of time and labour that is well calculated for the interests of individuals, and will be a ready and direct channel for communication for the redress of grievances, at the same time that it ensures a mutual support and protection.

Fourthly. If any doubt should exist as to the purity of my intentions, in confirming to Individuals (who may become entitled) a grant of Land, such Individuals may have a Guarantee, under my hand, more particularly specifying my intention of making such Grant, by paying a stipulated sum towards a fund of Indemnity, in liquidation of the expenses incurred in the formation of this settlement; and though at all times I shall be happy to assist others with my counsel or advice, in maturing their several projects, it is not to be expected that I can devote my time and services in aid of individual interests, or the maintenance of general order,

without adequate pecuniary support, to enable me to dispense such important objects of utility.

Fifthly. That no abuse of liberty, which at all times it will be my glory to maintain in a pure state, consistent with the Laws of the Colony, by sound principles of justice, humanity, and moral decorum, I invite the cordial support of every Director, of each Ten of this party, to unite with me in the dispensation of those benefits which I propose to all who confide to me their personal welfare and property, to protect them, as far as I may be invested with power and authority, from acts of aggression, illegal, or improper conduct. And in all cases of difference or matters of dispute, more particularly as to the division and partition of Land, I recommend an immediate recourse to the decision of a disinterested person, whose judgment shall be final and conclusive; reserving to myself the power of interposing (in cases where such judgment is not effective) to dispossess both parties from the Lands in dispute, and to assign to them a portion of Land in such other situation as may be deemed consistent with the peace and general welfare of the Settlement.

Sixthly. In consideration of the heavy responsibility, severe anxiety, and great burthen of expense, which naturally occurs in organizing a settlement that combines individual benefit with objects of national importance, it is an indispensable part of the system upon which the Settlers, who are to participate in the advantages of a grant of Land, that they also participate in a due proportion of expense, in indemnification of what has been incurred, or what may hereafter accrue, in carrying into effect objects of general interest, and what may be considered necessary or important upon public grounds.

Lastly. It is essential, for the convenience and accommodation of the Settlement, that a communication should be held with the Mother Country, to facilitate a return of Cash Payments, for the Produce of the Colony, I have therefore opened an Account with a London Banker, of the highest respectability, which will afford a safe and honourable medium for all Money transactions; and I shall likewise open an Account with the Government Bank at Cape Town, to give more immediate effect to the views of the Colonists; and I conclude, by recommending the establishing of a Savings

Bank at the Settlement, (as soon as circumstances will admit,) as a security for the returns of honest industry, and a stimulus to the exercise of the natural powers and energies of the mind.

(Signed) THOMAS WILLSON.

BRIDGE COTTAGE, CHELSEA WATER WORKS,
1 October, 1819,

[Original.]

*Letter from MR. THOMAS WILLSON to R. WILMOT
HORTON, ESQRE.*

STOCKWELL, 14 April 1825.

SIR,—Agreeable to your favor of the 6th Instant, I have this day had the honor of communicating additional specific arguments to the Right Honorable Earl Bathurst, such as cannot fail to convince his Lordship of my Identity as the legitimate and lawful claimant of the Lands assigned to my followers in the District of Albany, South Africa ; at the same time I have no hesitation in hereby pledging myself to make such sub-grants to the Individuals in possession as they may be entitled to by virtue of their agreements with me, immediately on receiving my Title deeds, which pledge is already more specifically given to those Individuals in my printed Circular, and also in numerous written agreements signed by me. I am moreover the last man in the world who would deviate from my word, in such matters, for any advantage whatever, consequently the Settlers cannot possibly be prejudiced in their right at all, which right specifically takes origin in my holding a good Title from the Crown.

I regret exceedingly that my recent Letters had assumed a character incompatible with public business, and I very much regret that your admonition conveyed through Mr. Croft was not made to me personally, which I should have esteemed a favor. The subject however is so novel, and unusual in itself, abounding with matter so purely of a domestic character, that it would stand excused as difficult, if not almost wholly impossible, to avoid the admixture of the feelings, while there

exists so much cause for animated excitement by the treatment of the subject in your department.

I trust, Sir, notwithstanding this, that you will believe it is very greatly at variance with my general habits and disposition, to intrude my feelings unduly upon any man living, much less to harass or disturb the susceptibility of Earl Bathurst or yourself; and although I have considered it an imperative duty to me and my family to urge my claims upon His Majesty's Government with immoveable firmness, I always hope to do so with temper and a due sense of respect and devotion for your high office. I have &c.

(Signed) THOS. WILLSON.

[Original.]

Memorial of MR. BENJAMIN WILMOT.

To the Right Honorable Earl Bathurst, Secretary of State for the Colonial Department, &c., &c., &c.

The Memorial of Benjamin Wilmot, late of the new Settlement of Albany, Cape of Good Hope, in behalf of himself and his Brother James Wilmot now residing at Bathurst in the said Settlement,—Humbly Sheweth

That your Memorialist and his Brother with four Men (as Servants) joined Mr. Thomas Willson's party of Settlers for the Cape of Good Hope upon the express condition of possessing all the advantages proposed in your Lordship's Circular of 1819.

That when the party disembarked at Port Elizabeth Mr. Willson disregarded the agreements he made in England with Memorialist and the rest of the party, and endeavoured to compel them to a compliance with certain ruinous terms, insisting that they were part of the Conditions of the Agreement concluded in England and were binding upon them, which terms contained a number of restrictions and reservations as well as a general indemnity for all losses he had or might sustain in the superintending of the party, as well as a remuneration for his future exertions at the rate of five Guineas per Diem.

That as Mr. Willson pertinaciously evinced a determination to compel the party to an observance of those conditions by a number of vexatious proceedings even after he had assured His Excellency the Acting Governor on his honor he would give up all thoughts of them, your Memorialist and his Brother, finding that Mr. Willson paid no regard either to his Honor or to his Contracts, refused to proceed to the Settlement until Captain Evatt, Commandant at Algoa Bay, assured them that the Government would take care that they had their rights and particularly that no conduct of Mr. Willson's would deprive them of their Land in right of their Emigration.

That the Government was disposed to assist the Settlers, and would do everything that was reasonable and more perhaps than they could expect.

Your Memorialist and his Brother having no reason to doubt either the sincerity of these Assurances or the right the Commandant had to make them, proceeded to the Settlement, fully confident that the Government would not permit them to lose their Land or become Sufferers.

That Mr. Willson entirely abandoned the party and never located himself upon the Land appears in the Report made by the Landdrost of Albany, Harry Rivers Esq.

That your Memorialist and his Brother and the rest of the Party were located upon a small Rivulet called the Brack River, near Waaye Plaats, but since named Beaufort Vale, and Memorialist and his Brother received Six Allotments of Land by Ballot, which consisted of only sixty six yards of frontage each and extended backwards for more than four Miles, this inconvenient and almost useless slip of ground they began to improve, being at the time assured by Captain Trappes, the provisional Magistrate of Albany, that these "Allotments would be extended by the Lands of those who must inevitably be compelled to leave, and as there were a great number of Mechanics in the party, probably that it would soon take place," and they continued to reside for upwards of three years, and brought into cultivation all the Land proper for tillage in order to obtain an indisputable right to a grant of Land, and complied strictly with the terms of your Lordship's Circular of 1819, believing that the recognition of them as holders of Land by the Government, subsequent to the Assur-

ances of the Commandant of Port Elizabeth, was made in consequence of his report.

That your Memorialist and his Brother were compelled to leave the place where they had expended about £400 in building a substantial House and in trying to improve the Land, and rent a place elsewhere, not only through the frequent depredations of the Caffers (who made a beaten path across their Allotment and murdered two Persons within a short distance of their House) but by the natural disadvantage peculiar to the place, being obliged to send away the whole of their Cattle for seven months in the year for want of water and to be indebted to their Neighbours for the little they themselves drank, although they expended considerable sums of Money in making Reservoirs in the hope of preserving sufficient for the household purposes but without effect; and having had their Corn Lands greatly damaged and their Vineyard, Orchard and Garden destroyed and cleared away by the flood of October 1823, which left only a bed of Rocks, and that the whole six Allotments independent of these Calamities were not adequate for the support of one Family, all which particulars your Memorialist's Brother stated to Harry Rivers Esquire, the Landdrost, who told him that he should have any Land that had not already been given away.

That your Memorialist and his Brother used their utmost endeavours to discover a Piece unappropriated, but finding that there was none in Albany except about 1000 Acres in Grobelaar's Kloof not granted to Mr. Rubridge (Lieutenant of the Royal Navy) and which Government had abandoned (there not being water sufficient for the great number of Cattle that was usually sent there), and also excepting the half of a place called the Landdrost's farm near Bathurst, which was held by Major Jones before the Seat of Magistracy was removed from Bathurst to Graham's Town, and which your Memorialist conceived might be disposeable property, as Major Jones had left the Colony, and as the other half had been granted away to Mr. Charles Crause, Captain of a Troop of the Albany Levy, these particulars Memorialist's Brother submitted to His Majesty's Commissioners of Inquiry, and by their advice memorialized His Excellency Lord Charles Henry Somerset for a grant of one of these places, offering to relinquish all

claim to the place where they had expended so much of their time and capital, without being able to obtain a Grant, His Excellency the Governor having been pleased to make answer that they were not disposeable property, as your Memorialist was informed at the Colonial Secretary's Office Cape Town.

Your Memorialist humbly conceiving that he and his Brother had done everything that their minds could suggest and adopted the measure pointed out to them by His Majesty's Commissioners of Inquiry (who might be supposed to be the best acquainted with those matters) to obtain a grant, without effect, and that it was out of his power to wait in Africa the result of any other adopted means to obtain a Diagram (or Title), which he also humbly conceives they had an undoubted right to have had at the completion of three years occupation, returned to England determind to submit his case for the consideration of your Lordship, and that in doing so your Memorialist has expended the sum of Fifty pounds for passage Money and incidental Expences. And your Memorialist submits that he and his Brother have done every possible thing that propriety could dictate in their circumstances to establish a claim for Grants of Land, and it would be particularly hard that they should be deprived of that Land, the promise of which was found sufficiently inducing to cause Numbers to leave their families, friends, birth place and prospects in England, when others, who have made none of those sacrifices, hold from four to five extensive places, some of which they have had granted to them after they had disposed of prior grants for large pecuniary considerations, and in that very part of Albany (the Zuur Veld) that seems particularly to have been selected and appropriated by the Government for the locations of the Settlers.

And your Memorialist humbly submits that he and his Brother would in right of themselves and four Servants become entitled to Grants of Land for Six Families, and as your Memorialist is confident that the British Government never intended to place an Emigrant upon a portion of Land inadequate to the support of a family or upon a place in every respect useless for cultivation, he hopes that himself and Brother may be considered to have a claim to such quantity of

good Land as His Majesty's Commissioners of Inquiry have reported to be necessary for the support of Six Families.

That your Memorialist and his Brother deposited with the Government through Mr. Willson the sum of Sixty-two Pounds and ten shillings for Six Families, to be returned in Africa by three Instalments, that if payment for the Rations that were issued to the Settlers during their inability to procure sustenance from their Lands and the almost universal famine is insisted upon from your Memorialist and his Brother, and an account taken of everything they have had from the Government, Memorialist believes that there will then be a balance in his favor, as those Rations were few, in consequence of their losing their Servants, in which case they also submit that the pledge upon their Buildings and Improvements given to the provisional Magistrate to secure the payment of them when demanded should (if the second and third Instalments are debited with the Rations &c.) be returned to them.

That your Memorialist lost fourteen Oxen and one Cow by the depredations of the Caffers, which being reported and allowed they became entitled to remuneration, and although seven thousand head of Cattle were taken from those savages, Memorialist could never get any remuneration for his loss.

That your Memorialist being unacquainted with the practical part of farming, engaged with Servants who were, by a Deed regularly executed in England : the Servants severally bound themselves in the penalties of Five Pounds Sterling for the due performance of their Service, and your Memorialist and his Brother jointly in the like penalty for the due performance of their part of the contract, and that shortly after their being located, Captain Trappes, without the consent and against the will of your Memorialist and his Brother, discharged two of these Servants from their obligations without any formal process or the approbation of any Court of Justice, no blameable conduct whatever being justly imputed to your Memorialist and his Brother with respect to them. The other two Servants died, and Memorialist could not procure Labourers for nearly two years, and when he did he paid them from two to three Rix Dollars each per diem, which he would not have had to do had his Servants remained with him, and which occasioned Memorialist innumerable Inconveniences and great

loss. That if your Lordship should be of opinion that your Memorialist ought to have applied to the legal authorities to obtain redress of this grievance, to enable him to claim your Lordship's consideration in this respect, he most respectfully represents that to a complaint brought by your Memorialist against certain Gentlemen (vested with similar authority with which Captain Trappes is invested) before the Worshipful the Court of Circuit he was advised by that Court, after two years litigation without effect, to prosecute the complaint before those very gentlemen of whom he complained, which advice seemed so repugnant to common sense that your Memorialist was deterred from bringing it. Such an instance of the mode of awarding justice in that part of the world he hopes will be considered a sufficient reason for not commencing legal proceedings against Captain Trappes, the same Gentlemen who gave that advice still holding places on the Justice seat.

That if your Memorialist therefore may have omitted to do those acts that would thereby have entitled him to have recourse to the Mother Country for redress against a Gentleman holding an official situation, your Memorialist trusts that his case will not be prejudiced by such omission, particularly as the Laws of the Colony or administration of them are extremely dissimilar to the English Laws and where legal advice could not be obtained.

Your Memorialist therefore submits that taking into consideration the peculiar situation in which he was placed as a Settler with regard to the party from whom he was to obtain redress in this particular transaction, he will be considered entitled to relief from the hands of your Lordship not only upon this point but upon all the foregoing circumstances in this Memorial which he most humbly and respectfully submits for your Lordship's consideration.

Wherefore your Memorialist humbly prays your Lordship will be pleased to grant him and his brother two distinct places or farms (in any part of the Colony) and title thereto free of expence. That their second and third instalments of their deposits may be paid to them (amounting to Forty one pounds thirteen shillings and four pence.) That your Memorialist and his Brother may be remunerated for the loss of their Cattle, which they estimate at Thirty pounds. That the said

Sum of Fifty pounds which he has incurred for his passage and incidental expences may be reimbursed to him. And that Captain Trappes may be directed to remunerate your Memorialist and his brother for the loss of their two servants to the amount of the penalties set forth in the said Contract. Or that your Lordship will grant him and his Brother such other relief as to your Lordship shall seem meet.

And your Memorialist will ever pray.

(Signed) BENJAMIN WILMOT.

NO. 1 ROSOMANS BUILDINGS, ISLINGTON GREEN,
April 14th 1825.

[Copy.]

*Letter from the Deputy Landdrost of Beaufort to the
Commissioners of Enquiry.*

BEAUFORT, *April 15th, 1825.*

GENTLEMEN,—I have the honour to acknowledge the receipt of your communication of the 5th instant, and agreeably to the commands therein contained, you will receive enclosed the Detailed Assessments of Taxation, and Tariff of the manner in which such is proportioned to the property of each individual established.

Should I have, however, deviated in any part from my duty, by a misconception of your said communication, I shall be most happy to remedy the same without a moment's delay, on receiving your further instructions thereon. I have &c.

(Signed) J. BAIRD, Deputy Landdrost.

A Detailed Statement of the Taxes levied at the Orghaal, during the months of February and March of the current Year; for the Year 1824.

Nos.	Field-Cornetries.	Fines.	Ordinary Taxes.			Extraordinary Taxes.					Free Gifts.	
			Capitation.	Cattle.	Produce.	Waggon Contribution.	Income Tax.	Dam and Canal Contribution.	Lepers.	Church Contribution.		School Funds.
										For Places and Erven.	For Funerals.	
		<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>	<i>Rds. str.</i>
1	Of D. S. Fourie .	—	127 24	229 16	8 28	76 24	—	18 —	28 16	8 32	4 —	42 28
2	„ A. T. de Clercq	—	140 —	86 22	10 30	61 24	2 6	24 —	—	23 40	2 —	44 10
3	„ C. Hatting .	10 —	175 —	88 22	85 —	62 12	2 26	—	—	43 16	3 —	41 20
4	„ W. F. Joubert.	10 —	135 —	142 42	—	60 36	—	—	—	4 16	5 —	50 6
5	„ G. P. Marais .	—	182 24	295 24	25 30	99 —	—	—	—	34 32	9 —	59 16
6	„ T. H. Nel .	10 —	125 —	44 32	—	42 —	—	—	—	—	6 —	18 4
7	„ C. T. de Clercq	5 —	210 —	284 26	4 12	99 36	1 18	—	—	—	12 —	58 46
8	„ H. P. van der Westhuizen.	10 —	197 24	219 24	25 38	102 36	—	—	—	26 —	6 —	49 20
9	„ J. van der Westhuizen.	15 —	127 24	140 40	7 42	50 12	1 24	—	—	8 32	3 —	27 18
10	„ P. E. Kruger .	—	77 24	83 40	—	28 24	— 36	—	—	—	2 —	20 32
11	„ A. du Toit .	20 —	122 24	190 42	2 —	52 24	—	—	—	4 16	—	33 26
12	Village of Beaufort	10 —	87 24	39 2	6 20	24 —	75 26	87 —	—	48 36	6 —	56 30
	TOTAL .	90 —	1,707 24	1,845 44	176 8	759 36	83 40	129 —	28 16	202 28	58 —	502 16

A Tariff by which the Assessments were proportioned during the last Opgaaf Sessions, for the Year 1824.

ORDINARY TAXES :

Head Money :

	Rds.	strs.
Men above 16, and women above 20 years . . .	2	24

Cattle :

Each head of black cattle	-	2
A saddle or waggon horse	-	4
A breeding horse	-	2
Twenty-five sheep, goats, or pigs	-	6

Produce :

Each muid of wheat, rye, barley, or oats	-	2
Each leaguer of wine	-	16
Each leaguer of brandy	-	36

EXTRAORDINARY TAXES :

Contribution for Carriages :

Each horse or ox waggon	1	24
Each cart	-	36

Church Contribution :

Each loan place	4	16
Each erf (freehold)	2	8
For the death of each Christian above 12 years of age	3	-
Ditto below 12 years of age	2	-

Income Tax :

For each Rds. 100 income	-	36
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Dam and Canal Contribution :

For each erf in the village	6	-
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Leper Tax :

An eighth on the amount of the ordinary taxes paid by each inhabitant:

N.B.—The assessment of the extraordinary taxation is regulated by a tariff received from Graaff Reinet ; but the leper tax was abolished this year by a communication from the

landdrost of Graaff Reinet, which arrived a day after the opgaaf sessions had commenced, which causes such to appear in the field-cornetcy of D. S. Fourie, in the detailed Statement of Taxes herewith accompanying.

(Signed) J. BAIRD, Deputy Landdrost.

BEAUFORT, 15th April, 1825.

[Copy.]

*Letter from the Deputy Landdrost of Clanwilliam to the
Commissioners of Enquiry.*

DEPUTY LANDDROST'S OFFICE, CLAN WILLIAM,
15th April 1825.

GENTLEMEN,—In answer to your circular of the 5th instant, “requesting a detailed Statement of the Taxes levied at the opgaaf of the current year,” I beg leave to state that the taxes for the current year are levied in the following manner ; viz.

ORDINARY :—Consisting of

Head Money ;
Tax on Cattle ; and
Tax on Produce.

EXTRAORDINARY :—Comprising

Contribution for Waggon, Horses, &c. required for the
public Service ;
Commando Tax ;
Classification ; and
Tax on Slaves.

The Ordinary Taxes are raised according to the 14th and 15th Articles of the Proclamation of the 1st April 1814, and the Extraordinary according to the directions received at this Subdrostdy from the Board of Landdrost and Heemraden of Worcester, a copy of which I beg leave to enclose.

As to the mode in which the assessments are proportioned to the property and establishment of each individual, the following rule has been always adopted here ; viz.

In the Contribution for Waggon, Horses, &c. required for public Service, the inhabitants residing in the vicinity of this Subdrostdy, and those along the public road to Cape Town, and the Head Drostdy, pay, in proportion to their property, from four to eight skillings; while those residing in more remote parts of this sub-district, less called on for public service, pay in the same proportion from four to twelve skillings.

The Commando Tax is levied according to the value of the places and the property every landowner possesses, at the rate of from six to twelve rix-dollars; while others, who possess no places, pay from one to six rix-dollars.

Classification is levied according to the 10th and 22nd Articles of said Proclamation of the 1st April 1814; and

The Tax on Slaves is collected according to the Proclamation of the 7th February 1823. I have &c.

(Signed) J. VAN RYNEVELD, Deputy Landdrost.

[Original.]

Memorial of MR. D. P. FRANCIS.

To the Right Honourable the Earl Bathurst, Secretary of State for the Colonial Department, &c., &c., &c.

The Memorial of D. P. Francis most humbly sheweth

That your Memorialist embarked as a Settler for the Colony of the Cape of Good Hope, under the Parliamentary Grant of 1819, with six articulated servants and their families, forming a Division of the Party under the Direction of Mr. William Parker.

That Memorialist does not present himself to your Lordship or His Majesty's Government with any other complaint of Grievances, further than feeling himself imperatively called upon from urgent necessity, most humbly to submit to your Lordship's Benevolence and consideration the real facts and occurrences which have taken place with respect to himself as a British Settler at the Colony of the Cape of Good Hope.

That on Memorialist's arriving in the Colony on the 30th of April 1820 a Location was assigned him with Mr. Parker's

Party in the Deputy Drostdy of Clanwilliam, that from an error in Judgment Committed by the Colonial Government of the Cape the Lands were found wholly inadequate to sustain the Party.

That in consequence of this Mistake in the Colonial Government, Memorialist was most seriously injured, although he is ready to admit that by placing Settlers at Clan William there was every reason to anticipate that the Individuals sent there would have succeeded at an earlier period than those in the Zuureveldt, from the proximity to the great Market Cape Town, had the Lands proved efficient.

That in consequence of Representations made to the Acting Governor Sir Rufane Donkin by the parties at Clanwilliam, His Excellency issued a Circular dated 25th July 1820, inviting those Individuals who were so inclined to be removed to the Zuureveldt.

That Memorialist deeming it expedient to separate from Mr. Parker's party accepted the terms proposed by the Colonial Government, and removed to the District of Albany, under a promise that 1000 acres of Land should be allotted him as some Compensation for his Disappointment and losses at Clanwilliam, in the room of 700 acres which Memorialist was entitled to under the regulations issued from your Lordship's Department.

That your Memorialist arrived at Algoa Bay on the 30th of September, and after much difficulty and being delayed until the 7th of October he received a paper of which the following is a Copy, being the only information Memorialist could obtain on the subject of his Location, but with this assurance that the Deputy Landdrost or some authority under him would be ready to receive and locate him.

Copy of paper :—

“ Mr. D. P. Francis on the Guazer River at the ford below the place now occupied by Jacobus Potgether, to go from Assagai Bush in the road leading to the outspan bush, as far as where a bye road from Niemans to Frederick Rensbergs turns off, and from thence along to the River.”

On arriving at Assagai Bush on the 11th October Memo-

rialist despatched a letter to Captain Somerset the Deputy Landdrost, informing him that Memorialist waited his Instructions to be placed upon his Land, to this Communication no reply was ever given, and Memorialist after waiting many days in waggons, was obliged to encamp where he could, nor did Captain Somerset ever attempt to locate your Memorialist although repeatedly applied to for that purpose, until the 23rd of January 1821, Memorialist being left in this neglected Situation for upwards of three months, and in the Colony without a Location for near nine months, and Memorialist afterwards discovered that he was upwards of forty miles from the place intended for him, which can be easily ascertained by referring to Mr. Knobel's map of the Albany District, where Memorialist's intended Location is laid down.

That Memorialist from agricultural experience discovered that a thousand acres of land situated where chance had thrown him was wholly inadequate for a grazing place (for which purpose it was only adapted) memorialized Sir Rufane Donkin to grant him the unappropriated lands where Memorialist had established himself, to the extent usually given for a grazing farm in that District.

That in consideration of this second disappointment owing to the neglect of the Deputy Landdrost, His Excellency was pleased to give the following Instructions upon Memorialist's application, a copy of which Memorialist obtained from the Colonial Office at Cape Town.

“Extract of a list of Memorials which Sir Rufane Donkin left with the Landdrost of Albany when on the Frontier in the year 1821 for the purposes herein stated, and which list was transmitted to the Colonial Office in order to be filed :

“ No. 56

FROM WHOM:	ON WHAT SUBJECT:	DECISION:
D. P. Francis . . .	To be located on a certain piece of Land near Assagai Bush;	I wish Mr. Francis to be put in possession of this Immediately.

A true Extract.

P. G. BRINK.”

That Memorialist conceived by procuring this grant of Land he should be in some degree remunerated for his former losses, and considered it as his property although the survey and measurement had not absolutely taken place, solely on account of the District Surveyor being suddenly called away to another part of the District on duty, upon the faith of this being carried into effect Memorialist incurred a considerable additional expence which he should not otherwise have done.

That on His Excellency Lord Charles Somerset resuming the Governorship of the Colony Memorialist was informed that it was necessary to memorialize his Lordship to confirm the above grant, which on being complied with, His Lordship refused the application, as Memorialist believes partly because Mr. Rivers the Landdrost neglected to inspect and report upon the grant in question, although referred to him for that purpose many months.

That Memorialist then requested His Excellency would be pleased to give him a title to the thousand acres that Memorialist might secure that part of the Land on which his House and premises had been erected, this request also being refused Memorialist was left totally without any location whatever.

That your Memorialist on embarking in the undertaking of settling himself in the Cape Colony under the Parliamentary Grant of 1819, possessed property in Cash to the amount of £930 Sterling, and took out stores to the value of £350 and upwards, besides now being involved £300 in consequence of the above Circumstances, all of which has been sacrificed, together with upwards of *five years of the best part of Memorialist's life*, who is now left totally without Capital and without Employment, and unable to return to the Cape as Intended.

That your Memorialist presented a Statement of his grievances to the Commissioners of Inquiry on the 28th July 1823, and having waited nearly two years in expectation of having those grievances reported to your Lordship, Memorialist is now absolutely compelled from necessity in his ruined state to lay his Case before your Lordship without any further Delay.

That Memorialist is ready to make affidavit of the facts contained in this statement, and begs to refer your Lordship to Sir Rufane Donkin late Acting Governor, and to Henry

Ellis Esquire late Deputy Colonial Secretary at the Cape, for a corroboration of such parts of this memorial as occurred during their administration.

That under all these unfortunate circumstances your Memorialist most humbly and *earnestly Implores* (as an act of *favour and Justice*) Reimbursement and pecuniary remuneration from His Majesty's Government, for the Injury and losses he has sustained in consequence of the Errors committed by the Government authorities at the Cape of Good Hope, which losses amount to £1580 Sterling independent of five years loss of valuable time, which Memorialist can never hope to recover.

That the Injury and losses Memorialist has sustained have principally been occasioned by the three following causes, first, by being sent to Clanwilliam, secondly, from the total neglect of the Deputy Landdrost Captain Somerset, and thirdly, from His Excellency the present Governor refusing to confirm Grants of Land absolutely given to Memorialist by the late Acting Governor Sir Rufane Donkin, which act entirely destroyed all Memorialist's future Prospects of Success in the Colony, and that Memorialist is now left absolutely without the means of supporting himself and wife, and driven most reluctantly to the alternative of entreating your Lordship's early and kind consideration of Memorialist's distressing situation, never doubting for a moment that he will petition in vain for an act of justice at the hands of your Lordship and his Majesty's Government, and Memorialist as in duty bound will every pray &c. &c.

(Signed) D. P. FRANCIS.

5 JEFFREYS STREET, KENTISH TOWN, LONDON,
April 16th, 1825.

[Copy.]

Memorial of a Committee of Merchants.

25 ROOD LANE, 18th April 1825.

To the Right Hon'ble the Lords Commissioners of His Majesty's Treasury.

The Memorial of the Committee of Merchants and others of the City of London trading to the Cape of Good Hope Sheweth,

That as the reduction of the duty on Foreign Wines which has lately taken place will lessen the consumption of Cape Wine in this country very considerably, and by consequence affect most unfavourably the future production thereof; and as Wine is the Staple produce of the Colony of the Cape of Good Hope, and employs a great proportion of its inhabitants, when the effects of this measure have had time to unfold themselves, much misery and ruin may be expected to take place, for a time in that Colony.

That in order to provide in some degree means for alleviating the same by encouraging the Colonists to turn their attention to such resources they possess other than the production of wine, which they have unfortunately been induced to push too far, your Memorialists beg leave to submit for the consideration of His Majesty's Government the state of the duties now payable upon some other articles which are produced to a limited extent at the Cape of Good Hope, and take the liberty to suggest a more favourable scale of rates, which, if adopted, would afford some further encouragement to such produce, and thereby supply other means of employment for some part of that large population of the Colony which must now be withdrawn from the Wine Trade, and which they trust His Majesty's Government will see the justice of extending to them, as being possessed of equal claims to protection with any other Colony of Great Britain, though from its peculiar situation, being within the limits of the East India Company's charter, they believe that its interests have frequently been overlooked.

Aloes : The article which is imported from the Cape under this name is in fact very different from the one imported from the West Indies by that name; the latter sells from £40 to £45 per hundred weight, while the former is sold usually at 40 to 44 shillings per hundred weight, being fit for being used as medicine for Horses and Cattle only. The duty on West India Aloes is £7 per cwt., or about 15 per cent on its value; and the duty on Cape Aloes is £4 4s. per hundred weight or 200 per cent on its value, which is out of all proportion upon an article of such low value, but which is at the same time of very great utility for the purposes to which it is adapted. Memorialists submit that the duty on this article should be

made ten shillings per hundred weight or about 25 per cent on its value.

Argol : The duty on this article at present is 4s. 9d. per hundred weight, whether Foreign or Colonial, but it is proposed to be reduced to 2s. per hundred weight. Memorialists submit that the duty on this article when imported from a British Colony be 8d. per hundred weight, to compensate for the increased expense of freight and charges arising from the greater distance of those Colonies than the coasts of the Mediterranean from whence this article is brought.

Wheat : This article has sometimes been brought from the Cape, but hitherto in small quantities, and although it cannot be expected to become at present an article of extensive export, yet as it may be so in some years, it would be desirable to have the Cape put on the same footing as Canada as to its Corn, but on account of the greater distance your Memorialists submit that the duty on Cape Wheat be three shillings per quarter if the duty on Canada wheat is fixed at five shillings.

Elephants' Teeth : As the duty is proposed to be reduced considerably on this article, Memorialists do not ask any further reduction on it.

Ostrich Feathers : On account of being a British Colony and its great distance Memorialists submit that the duty on this article when imported from the Cape be five shillings per pound weight.

Gum Arabic : For the reasons mentioned in the preceding article the Memorialists ask the duty on this article be reduced to four shillings per hundred weight.

Hides : The duty on this article whether Foreign or Colonial is by the new rate to be for Dry Hides Two shillings and four pence per hundred weight, and Wet Hides one shilling and two pence per hundred weight. Memorialists submit that the duty on this article being the produce of the Cape of Good Hope or of a British Colony be for Dry Hides one shilling per hundred weight, and for wet Hides six pence per ditto.

Skins : That the duty on Goat Skins from the Cape or a British Colony be one shilling per dozen, and on Sheep skins that it be nine pence per dozen or five per cent on their value in this market. As Hides and Skins are articles of considerable importance to the agricultural prosperity and Trade of the

Colony, Memorialists beg to press on your Lordship's notice the reasonableness of giving the protection required.

Horns: Memorialists submit that the duty on this article when imported from the Cape be Two shillings per hundred weight.

Whale Oil: Memorialists beg leave to submit to your Lordships that it would be greatly in favour of the Colony of the Cape of Good Hope, if it were placed on the same footing as the Southern Greenland and Davis Straits Fisheries with respect to this article, by making the duty Eight shillings and three pence per Tun in place of Twenty shillings as at present. The same reasons which justify a low rate of Duty on oil from these Fisheries can be urged with much propriety in favour of the Fishery carried on from the Cape of Good Hope.

Whale Fins: The duty on this article when imported from the Cape is at present £3 3s. 4d. per hundred weight, while the produce of the Greenland and Southern Whale Fisheries is admitted at £2 7s. 6d. Memorialists submit that the duties on this article should be assimilated.

Bees Wax. The duty on this article at present is £2 6s. 6d. per hundred weight, which memorialists submit is a very heavy duty, and that it would be more consonant with the views of His Majesty's Ministers regarding other articles of Trade were the duty reduced to fifteen shillings per cwt. when brought from the Cape of Good Hope or any British Colony.

Wool: It is very difficult to place a value on Cape Wool before it has been thoroughly sorted in this Country, on account of the imperfect way it has hitherto been put up, so that there would be considerable uncertainty in ascertaining whether it was entitled to be admitted at the low duty as being under the value of one shilling per lb. weight. Memorialists submit that it would be better to admit it duty free in the same way as Wool from the British Plantations.

Almonds. The duty on Almonds is £2 7s. 6d. per Hundred weight whether Foreign or Colonial; Memorialists submit that the duty on this article be reduced to fifteen shillings per hundred weight when imported from a British Colony.

Lemon Juice: Lime Juice. These articles can be produced at the Cape, but on account of the distance the freight is a great hinderance to their being brought from thence; Memorialists submit that they be admitted at the lowest rate of

duty, or one farthing per gallon, Lemon and Lime Juice of whatever degree of strength, and whether concentrated or not when imported from a British Colony.

Spirits. Memorialists submit that the same reasons which justify the admission of West India and Canada Spirit at a low rate of duty are equally applicable to spirits produced at the Cape of Good Hope, and there is an additional reason of great importance in favour of the Cape Spirit; as the recent reduction of duty on Foreign Wines will prevent Cape Wines of inferior quality from being sent to this Country, and as there will be no other market for them, your memorialists submit that the Colonists of the Cape are well entitled to have permission granted to them to distill such of their Wines as are unfit to be exported and that the produce thereof be admitted for Home Consumption in this Country at the same duty as Rum from the British plantations or Spirits from Canada.

Timber. The Timber districts of the Cape of Good Hope are very inaccessible on account of the want of water Carriage, and it is attended with great difficulty and expence to bring this article to a shipping port; but in order to encourage the industry of the Colony Memorialists submit that the Cape be placed on the same footing as New South Wales with regard to this article. That is Timber fit for Ship-building to be duty free, and unrated wood to be admitted at five per Centum ad valorem.

Your memorialists therefore humbly pray your Lordships to take the premisses into your most favourable consideration, and for the relief and encouragement of the industry of the Colonists of the Cape of Good Hope, that you will grant the reduction of duties herein and in the Schedule hereto annexed set forth, as being agreeable to the sound principles of Trade and Colonial regulation now being acted on by His Majesty's Government: and which if extended to the Colony of the Cape of Good Hope could not fail to have the most beneficial influence in favour of the Agriculture and Trade of that Colony.

And your Memorialists as in duty bound will ever pray.

In name and by order of the Committee.

(Signed) ABRAHAM BORRADAILE, Chairman.

[Copy.]

*Letter from the Landdrost of Uitenhage to the
Commissioners of Enquiry.*

UITENHAGE, 18th April 1825.

GENTLEMEN,—I have the honour, in compliance with your letter of the 5th instant, herewith to cover a statement of the only taxes paid at our opgaaf for the year 1825. I have &c.

(Signed) J. G. CUYLER.

*Memorandum of the Rate of Assessment, under the heads of
Ordinary Taxation, which consist of the following ; viz.*

<i>Rds.</i>	<i>sk.</i>	<i>stiv.</i>	
2	4	—	Head money for each man.
2	4	—	ditto woman.
2	4	—	ditto son, above 16 years of age.
2	4	—	ditto daughter, 20 ditto.
2	4	—	ditto European servant, free black, etc
—	—	4	For each carriage and draught horse;
—	—	4	saddle horse.
—	—	2	breeding horse.
—	—	2	draught ox.
—	—	2	breeding cattle.
—	1	—	For every twenty-five breeding sheep and wethers:
—	—	2	mule.
—	1	—	25 goats.
—	1	—	25 pigs.
—	—	2	muid of wheat reaped.
—	—	2	ditto of barley.
—	—	2	ditto of rye.
—	—	2	ditto of oats.
—	2	4	leaguer of wine.
—	6	—	ditto of brandy.

And the extraordinary assessment paid this year is one skilling on each rixdollar of the above taxes, to cover the expenses of carriage or transport monies incurred in the preceding year, 1824.

N. B.—All Hottentots, not living under contract with the inhabitants (consequently those composing the several institutions), are obliged to pay their annual taxes, consisting in the

before-mentioned items ; but those serving under contract, and not belonging to the institutions, are excused from the payment of the same.

(Signed) J. J. F. ROSELT, Secretary.

SECRETARY'S OFFICE, UITENHAGE,
April 18th, 1825.

[Copy.]

*Letter from the Landdrost of Graaff Reinet to the
Commissioners of Enquiry.*

GRAAFF REINET, 18th April 1825.

GENTLEMEN,—In compliance with your circular of the 5th instant, I have the honour to enclose a “ Statement of Ordinary and Extraordinary Taxes levied in the District of Graaff Reinet, at the Opgaaf in 1825 ; showing the Rate of Assessment, and the Authority under which the Extraordinary Taxes have been levied ; ” and beg leave to acquaint you, that the mode of assessment alluded to in the concluding paragraph of your said letter has not hitherto obtained in this district, though, after a late conversation with the government secretary, Sir Richard Plasket, I feel that its not having been adopted in collecting the transport or waggon contributions was an error on our part.

The Beaufort accounts of last opgaaf not having hitherto come in, I shall send a separate statement for that division next week. And have &c.

(Signed) A. STOCKENSTROM.

Statement of Ordinary and Extraordinary Taxes levied in the District of Graaff Reinet at the Opgaaf in 1825; showing the Rate of Assessment, and the Authority under which the Extraordinary Taxes have been levied.

Ordinary Taxes.	Amount.	Rates established by Proclamation of the 1st April 1814.	
	<i>Rds. st.</i>		
Head Money .	3,607 24	Rds. 2½ for all heads of families.	
Tax on Cattle .	6,621 26	Two stivers for each head of black cattle or breeding horse; 4 stivers for each saddle or draught horse; and 6 stivers for each 25 sheep, goats or pigs:	
Tax on Produce .	569 10	Two stivers for each muid of wheat, rye, barley, or oats; 16 stivers for each leaguer of wine; and 36 stivers for each leaguer of brandy.	
Tax on Income .	329 8	¾ per cent has been charged, according to the 22nd Article of said Proclamation, which was understood to be the rate established in Cape Town.	
Total Ordinary.	11,127 20		
Extraordinary and Local Taxes.	Amount.	Rates at which levied.	Authority under which levied.
	<i>Rds. st.</i>		
Church Tax on Places & Erven	1,476 16	Four stivers per week for each place, and 2 stivers per week for each erf.	Proclamation of the 1st April 1814.
Church Tax on Deaths . . .	108 -	Rds. 3 for each person dying above 12 years of age, and Rds. 2 for each under.	Forty-fifth article of the Church Regulations:
For the repair of Dams and Canals	947 -	Rds. 6 for each full erf, Rds. 3 for each small erf, and Rds. 2 for each dry erf.	Proclamation, 5th February 1819.
For Waggon, Oxen and Horses employed in the public Service .	1,812 -	Rds. 1½ for each waggon.	Proclamation of the 1st April 1814.
Total Extraordinary . . .	4,343 16	The contribution to this fund has been considered more a gift than a tax; and from objections having of late been made by some, it has been reduced to this trifle, a few stivers being merely added to each Opgaaf to make the sum full in rix-dollars, there being no small change to return to the payer, consequently, the greatest Opgaaf does not pay a full rix-dollar to this fund.	
School Fund .	695 30		
Ordinary, as above. . .	11,127 20		
GRAND TOTAL .	16,166 18		

[Original.]

Letter from MR. D. P. FRANCIS to R. WILMOT HORTON, ESQRE.

5 JEFFREYS STREET, KENTISH TOWN,
LONDON, *April 18th 1825.*

SIR,—On the 22nd of October last I had the Honor to transmit to your Department to be laid before Earl Bathurst an outline of a plan for the Introduction of free Labour into the Colony of the Cape of Good Hope, which plan had also been submitted to the Commissioners of Inquiry, at their request, previous to my leaving the Colony.

From the various conversations I held with the Commissioners on this Subject, I had every reason to anticipate that no time would be lost in forwarding to Earl Bathurst their Opinion or Report upon this particular question, as the Commissioners appeared fully aware that one of the greatest Impediments the Settlers of Albany have now to contend with is the want of Labour, which want is also very generally felt throughout the Colony.

His Lordship was pleased to state in reply to my communication that as the Commissioners will, no doubt, report to His Majesty's Government their Opinion and views upon the Subject in question his Lordship would defer giving his consideration to my proposal until his Lordship shall have received the report of the Commissioners.

I have at all times been unwilling to Intrude myself unnecessarily upon your or Lord Bathurst's valuable time, but situated as I am and having waited many months without being able to ascertain if the Commissioners' report on this Subject is arrived or not, I therefore now take the liberty of requesting the favour of being informed if the Commissioners have given their report upon this question.

It appears Sir by the statement in some of the papers, that from the motion you proposed to the House of Commons on Friday last, Government intends to encourage Emigration from the South of Ireland to the Cape of Good Hope and Canada.

With respect to the former of these Colonies, I beg leave most humbly to submit one or two Observations to your and Lord Bathurst's consideration, if you should deem them worthy of attention.

That from the experience of near four years' residence in the Colony, and having paid much attention to the Capabilities of the Soil and Climate of that Colony, I do not hesitate to venture an Opinion that in none of His Majesty's Colonies does there admit of a better prospect of success to Emigrants than at the Cape of Good Hope, under a judicious system and plan for establishing them in the outset, calculated to meet the peculiarities to which that Colony is subject.

Without adverting to a former Emigration or its results, there never existed the least grounds to suppose for one moment that the population of the Cape is in any degree equal to its means of Subsistence, such conclusions would be founded on the most erroneous Opinions, Method and Industry under the superintendence of experienced Agriculturists in the work of production when placed upon a proper footing cannot fail of success.

Every British Subject possessed of small Capital on his arrival in the Colony necessarily becomes the hirer of White Labour, unless from the scarcity of it or the misconduct of the Servants occasioned by that scarcity, he has been compelled to become a Slave Owner.

This demand has not been the consequence of the high profits derived by the employer, but has taken place in spite of the disadvantages under which the whole community but more particularly the agriculturists labour.

That the introduction of free Labour is the most certain method of diminishing Slavery, there can be no question, as every new importation of Emigrants into the Colony, even under any circumstances, most sensibly lowers the price of the slave, and as free labour encreases that of slaves will decrease and the slave proprietor will gradually and ultimately emancipate the whole.

It appears that the present moment is particularly favourable for the introduction of Labour and Capital Conjointly, and the scheme which has been in agitation for some time past for the formation of a Joint Stock Company for the Cape, a part of which scheme being for the purpose of encouraging Emigration, has induced me to remain silent on the outline of the plan I suggested to the Commissioners of Inquiry and Earl Bathurst in the expectation and hope that some step would be taken to

carry the views of the Company into effect, which cannot fail to bring forward those resources and Capabilities of the Cape which have never yet been brought into action, and until Capital and Labour go hand in hand must remain Dormant.

In respect to the motion on Friday night and the grant of £30,000 voted for the Encouragement of Emigration from the South of Ireland, I beg leave to take the Liberty of Inquiring whether any part of that grant will be appropriated to forwarding Emigration to the Cape, or has the matter been misstated in some of the Daily Journals.

In reference to the Memorial which I had the honor of forwarding to your Department on Saturday last, previous to my becoming acquainted with the matter in question, the subject of this Letter prevented my alluding to the Circumstance in that Statement, or I should otherwise have taken the liberty of Drawing your attention to the subject of my proposition for supplying the settlers of Albany and the Colony with Labour, although I am decidedly of opinion that the Introduction of Capital and labour would be of much more benefit and effect to the Colony, if Introduced under one and the same auspices.

I have &c.

(Signed) D. P. FRANCIS.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS OF ENQUIRY.

DOWNING STREET, LONDON, 20th April 1825.

GENTLEMEN,—I transmit to you enclosed a Paper explanatory of the views which have prompted several respectable individuals in this Country to propose the formation of an Agricultural and Commercial Company at the Cape of Good Hope, to which I add some correspondence which has taken place between those Parties and my Office upon the subject.

Although I am not disposed to doubt that the expenditure of a large amount of Capital in the manner proposed, could fail, under the direction of a number of enterprising and intelligent individuals to promote the general prosperity of the Colony, yet I have felt it necessary to decline encouraging

their undertaking, until I shall have satisfied myself by communication with the Colony, not only that the concessions which these individuals require are proper to be granted, but the parties concerned have not deceived themselves by forming an illusory or an exaggerated estimate of the Return which may be expected to accrue to them for their expenditure of capital and exertions.

The enquiries which you will have instituted into the extent of unoccupied lands, into the fitness of the soil for the various purposes of Agriculture, and into the means which may most advantageously be employed for bringing those lands into cultivation, will have fully enabled you to furnish me with such information as may assist me in deciding upon the propriety of obtaining, and under what conditions, the sanction of the Crown to the proposed undertaking; and I have to instruct you to transmit to me at your earliest convenience a full report upon the various Subjects connected with the consideration of that project. I am &c.

(Signed) BATHURST.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to the REVEREND
WM. GEARY.*

DOWNING STREET, 20th April 1825.

SIR,—With reference to the communication which was made to you from this office on the 14th Inst., I am directed by Earl Bathurst to request that you will without delay transmit to me for his Lordship's information such documents or statements as you may feel desirous of offering in explanation of your claim to the reimbursement of the expenditure incurred by you in improving the house which you occupied at Graham's Town.

I am &c.

(Signed) R. W. HORTON.

[In reply to the above letter a statement was sent in with accounts amounting to £556 14s. 6d. It cannot be necessary now to give the whole of the documents in this case, which fill a volume.—G. M. T.]

[Copy.]

Government Advertisement.

Explanations of the Provisions of the Proclamation of the 18th March, 1823 ; to be made to the Slave Population throughout the Colony, by the Local Authorities.

Very erroneous and mistaken notions having been imbibed by some of the Slaves in this Colony, relative to the Provisions for their protection in the Proclamation of the 18th March, 1823, it has become necessary to explain to them the real nature of those Provisions,—and to repeat to them, what is expressly declared in the 24th Clause of that Proclamation :—“ that the Property of the Proprietors, in their Slaves,—and their just Claim to their Services, are not, in any degree, affected thereby.”

The advantages secured to the Slaves by that Proclamation, are as follows :—

1st.—They are exempted from field-work, or any other work, but for domestic purposes, on Sundays.

2nd.—Such Slaves who have become Christians, are exempted from the Fee of Fifty Rixdollars to the Church on being manumitted.

3rd.—The Children of Christian Slaves are to be sent to the Government Free Schools, (where any such are established in the neighbourhood,) three days in each week.

4th.—Christian Slaves may intermarry provided the written consent of their Proprietors be delivered to the Local Authority : such Marriages to be performed *gratis*, and are to be properly Enregistered.

5th.—Married Slaves are not to be sold separately, nor are their lawful Children under 10 years of age, without their Parents, except by Decree of the Court of Justice : the same rule to apply to Children not born in Marriage, under nine years, and also to Children of Parents not Christians, under eight years.

6th.—The Proprietors of Christian Slaves are bound to cause the Children of such Slaves to be Baptized, within one year from their birth : and all Christian Slaves, to whomsoever belonging, are to be allowed to attend Church on Sundays.

The evidence, also, of a Christian Slave, on Oath, is to be received the same as that of any other Christian.

7th.—The Property of Slaves acquired by extra work, or by any other honest means, is secured to them; and they are entitled to the free disposal of it, either during their lives, or by will at their death. The last declaration of a Slave, relative to the disposal of his Property, (provided he dies intestate, and has no husband, wife, or child,) if made before two witnesses of the age of 25, assembled for the purpose, will be held valid, provided such disposal be not in favour of either of the two witnesses.

8th.—A proper and sufficient supply of Clothing and Food is also secured to the Slaves; and they are moreover exempted from working more than 10 hours per day, in the Winter, or 12 hours per day in the Summer, except during the ploughing or harvest seasons, or on extraordinary occasions, when remuneration in money, or additional food must be made to them.

9th.—Domestic Punishment is never to exceed 25 Lashes, and is only to be inflicted by the Proprietor, Employer, or Overseer, (not being a Slave;) except where the Proprietors are Females,—or infirm,—or suffering from Disease,—and have no Free Person in their employ.

10th.—If the Slaves have any just cause of Complaint, they must apply to the Local Authorities, who are bound to listen to their Complaints, and to do them Justice;—but, on the other hand, if the Complaints of the Slaves be proved unfounded, they will be punished for such false accusation, according to Law.

Such are the Benefits,—and very considerable Benefits they are,—which are secured to the Slaves by the above Proclamation; and His Majesty's Government will continue to watch over their Interests and their Happiness, so long as the Slaves render themselves worthy of such attention, by a zealous and faithful performance of the Duties and Obedience they owe to their Proprietors;—and it is strongly recommended to all the Slaves in this Colony, now that they have distinctly been made aware of the real views of Government towards them, not to listen to the false tales of artful and designing Persons, whose only object is to lead them into Error and into Crime;—a dreadful example of which has recently been afforded, in the

just and well-merited Punishment inflicted on the Murderers in the Bokkeveld.

Cape of Good Hope, 20th April, 1825.

By Command of His Excellency the Governor.

(Signed) R. PLASKET, Secretary to Government.

[Copy.]

Memorial to LORD CHARLES SOMERSET.

To His Excellency the Right Honorable Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c., &c.

May it please Your Excellency.

The undersigned Settlers and other Inhabitants of the district of Albany, beg leave most respectfully to solicit the attention of Your Excellency to the very great difficulties to which they are daily subjected from the want of available labor to carry on their various employments, by which the improvement of this part of the Colony has already been greatly retarded, and the full development of its capabilities prevented.

From the small number of laborers originally introduced into the Settlement, the expiration of their indentures and their subsequent success, that number has been continually diminishing to the great detriment of the agricultural and other classes, and from the consequent competition the rate of wages is become so exorbitantly high, that those who are compelled to comply with the extravagant terms required, find it impossible to procure a sufficient number to enable them to take advantage of the otherwise improving circumstances of the Settlement, an advantage now only to be gained by those who possess the means of Labor within their own Families.

This evil having now reached a point at which it becomes incumbent on the undersigned to request that Your Excellency may be pleased to recommend to His Majesty's Government some effectual means for removing the difficulties under which they now labor, and under which they must eventually sink if

unsupported, they beg leave to suggest to Your Excellency the advantage that would accrue to this district from the importation of a number of Indentured Servants from England, provided the expence of Transport could be defrayed by Government as the means of the undersigned from repeated failures are inadequate to meet the advance of Capital that would be required for this purpose, and they pledge themselves to fulfil the terms stated in the accompanying document, to which they beg to refer Your Excellency, trusting that you may be pleased to approve of this plan which in the opinion of those best acquainted with the circumstances and Situation of the Settlers, appears to be the only mode of remedying the evils they are at present exposed to, and the best calculated to give a new impetus to their industry, which only wants the means of being put into action to insure the entire success of the first Emigration; and they also trust that this pledge will be a sufficient guarantee to His Majesty's Government for the due provision of the Indentured individuals after their arrival in this Country. And if further evidence should be required of the capability of this Settlement to absorb a large amount of Laboring population, the circumstance of the Majority of the Servants (brought out) having been more successful than their former Masters, and now being in a condition to employ Servants themselves, may be adduced.

As it appears extremely desirable that the Employer and Servants should be well acquainted with each other's objects, and particularly that the latter should be aware of what he has to expect, not only as to wages but also as to the nature of the Service required of him, and the circumstances of the Colony, the undersigned think it necessary that some person possessing the requisite information should take the Management of the Emigration, and have accordingly deputed Mr. Frederick Carlisle to lay their petition before Your Excellency, and to proceed to England for the purpose of superintending the engagement, Embarkation &c. of such persons as may be willing to indenture themselves, provided your Excellency may be pleased to forward and recommend to His Majesty's Government the present application.

The undersigned at the same time beg leave to state to Your Excellency that as the Gentleman now selected by them is not

desirous of reaping any pecuniary advantage from his superintendence beyond his bare personal expences, they respectfully request that Your Excellency (in transmitting this proposal for the consideration of His Majesty's Government) may be pleased to suggest the expediency of granting a sum of Money to defray such reasonable expences as he may incur.

And your Petitioners will ever pray &c.

Albany, 20th April 1825.

(Signed) D. CAMPBELL	GEO. DYASON
THOS. PHILIPPS	JOHN HOPE
CHAS. DALGAIRNS	P. RETIEF
A. B. DIETZ	ALEX. BIGGAR
JOHN CARLISLE	C. T. THORNHILL
R. N. DUNN	ROBERT PRICE
JOHN CRAUSE	JOHN PRATT
ALEX. KIDWELL	JOHN BUCKLEY
GEORGE FUTTER	JOHN GIDDENS
JOHN BLAKEMORE	SAML. BIRTS
BENJ. WRIGHT	R. HARNEY
W. R. THOMPSON	THOS. KEMPSTER
A. KIDWELL	ROB. POLE
WM. SMITH	JOHN KENNY
J. LATHAM	JOHN PHILLIPS
H. LATHAM	WM. MILLER
WM. AUSTIN	JOHN BATEMAN
WM. WRIGHT	DAVID LEWIS
JOS. WALKER	W. OGILVIE
JAS. WEEKS	JOHN SANDERS
JAS. CARNAY	JOHN MOODIE
JOHN MANDY	RD. WHITEHEAD
THOS. HARTLEY	JOS. GARLAND
R.N. RUBRIDGE, R.N.	WR. GRIFFITHS
WM. COCK	C. ADCOCK
JOHN SMITH	ROB. HENMAN
D. W. DONALD	WM. ELLIOTT
WM. LEE	JER. HONEY
GEO. SOUTHEY	WM. TROTTER
F. S. SMITH	THOS. HOOD

J. W. HILES	JOHN NORTON
WM. HOLDER	G. MERISON
D. & W. C. HOBSON	WILL. WAIT
JAS. WARD	R. M. BONY
RICHD. BRADSHAW	CHAS. PENNY
SAML. BONNIN	JOHN RAY
JAMES VICE	DANL. PAGE, SEN.
SAML. JAMES	P. VALLENTINE
RICHD. FREEMANTLE	J. USHER
HENRY FULLER	R. RODGERS
JOHN CURTAS	THOS. GINHAM
B. JAMES	J. DODNOW
J. RAFFERTY	WM. PIKE
EDWD. PHILIPPS	GEO. MUGGLETON
W. GILFILLAN	H. GRADWELL
JOHN THORNHILL	THOS. PEEL
MILES BOWKER	JOHN BAILIE
H. A. CRAUSE	CHAS. MOUNCEY
S. BIDDULPH	JON. WAINWRIGHT
J. BURNET BIDDULPH	CHAS. COCKROFT
S. H. BRADSHAW	ED. DRIVER
WM. BOARDMAN	ISAAC DYASON, SENR.
CHAS. CRAUSE	JOHN H. SMITH
JOHN C. CHASE	R. WICKS
J. COLLIS	W. CURRIE
W. H. WILLIAMS	ALEX. BISSET
JOHN KENNAY	J. PAWLE
RICHD. HAYHURST	SAML. BENNETT
D. HOLLAND	H. HUNTLEY
THOS. HEASON	JOHN WILLIS
JOHN H. DIXON	P. LOWLE, JR.
W. STANTON	C. STONE
JAS. WHEELER	W. SMITH
C. STONE	F. S. TIMS
D. LEWIS	JAS. COWIE
T. CUMMING	MARY GOWAN
PHILIP DIXIE	NEL LANGHANT
C. MACKAY	R. GODLONTON
R. HALE	THOS. JARMAN
RICHD. TAINTON	I. JOHNSON, R.N.

WM. ROBERTS	ROB. STOCK
T. F. COWDEROY	J. H. HEATH
WM. CAWOOD	DAVID CAWOOD
JAS. CAWOOD	WM. GRADWELL

[Copy.]

Report of the COMMISSIONERS OF INQUIRY.

*Loan from the Treasury, for Relief of the Sufferers by the Tempest
in July 1822.*

CAPE TOWN, CAPE OF GOOD HOPE,
21st April 1825.

MY LORD,—On the 30th May last, soon after our return to Cape Town, we had the honour to receive your Lordship's despatch of the 31st January 1824, directing us to report, for the information of His Majesty's Government, our opinion of the expediency of the measures which his Excellency Lord Charles Somerset had considered it necessary to adopt, with a view to relieve the distresses of the inhabitants of the Cape of Good Hope; and that we should also report upon the distribution which his Lordship proposed to make of the sum of £125,000 sterling, for which he was authorized to draw upon the Lords Commissioners of His Majesty's Treasury, agreeably to the arrangements sanctioned by your Lordship's despatch of the 15th November 1822.

Having ascertained, in our personal communications with his Excellency the Governor, immediately after the receipt of your Lordship's instructions, that he had no intention of negotiating any further drafts upon His Majesty's Treasury on this account, and that the amount that had been drawn between the 4th November 1823 and the 6th January 1824, did not exceed £35,097 10s. 7d., of which £30,000 had been

Note.—The calculations in the current denomination of rixdollars have been preserved in the following Report, for the convenience of reference to the documents in the Appendix; and the conversion of the rixdollars into sterling value has been made at the rate of eighteen pence per rixdollar, a value that does not differ materially from the average rate at which the drafts upon His Majesty's Treasury were negotiated.

absorbed in redeeming the issues of paper currency that had been created to relieve the distress occasioned by the storms that occurred in the month of July 1822, and in replacing the colonial funds that had been antecedently applied to the relief of the agriculturists who had sustained loss from the failure of their crops in successive seasons, we were induced to postpone for a few weeks the execution of your Lordship's instructions, in order that we might enter upon the special inquiry that we had received your Lordship's directions to institute, and which had been delayed on account of our absence in the country districts.

We have now the honour to report to your Lordship, that in the month of July 1822, a severe storm, accompanied with heavy rains, occurred in Cape Town, and in the contiguous districts of the Cape, Stellenbosch and Tulbagh, the continuance of which, with but little intermission during several days, occasioned a great destruction of property, especially in buildings, and produced a very general apprehension that the vineyards and cultivated lands would be injured by the floods, which in some situations had carried away the soil, or deposited heaps of sand, which much labour would be required to remove. The communications with the remote districts of the colony being intercepted by the overflow of the rivers, it was not at first known how far the devastation occasioned by the storm had extended, and his Excellency the Governor being anxious to anticipate the sufferings of the inhabitants by obtaining timely relief for them, appears to have hastened the departure of Major Cloete upon receiving the reports of the magistrates in Cape Town, and from the districts of the Cape, Stellenbosch and Tulbagh. In the apprehension of receiving similar communications from the remoter districts, his Lordship was led to consider that £100,000 would be required to relieve the agriculturists, and £25,000 to restore the public buildings.

The failure of the crops throughout the colony in preceding years, occasioned by seasons of intense drought, and the recurrence of blight in the corn, had induced the Governor to advance from the colonial funds, in the month of June 1822, for relief of the agriculturists, the sum of 200,000 rixdollars, which was directed to be lent in sums not exceeding 5,000 rixdollars, to landed proprietors who could give full security for

the repayment of the principal to the Lombard Bank, by the usual instalments of six per cent in the country districts, and of ten per cent in Cape Town, together with an interest of six per cent per annum, according to the

<i>Viz.</i> 1. To the Inhabitants of Cape Town and District <i>Rds.</i> 81,933	regulations of that establishment. These advances, which were made to the in-
2. Stellenbosch 92,050	habitants of the five districts consti-
3. Swellendam 9,933	tuting the south western division of
4. George - - 7,000	the colony, and in the proportions
5. Worcester - 8,266	exhibited in the margin, were stated to

be derived from the following sources, viz :—

From the colonial treasury (advance)	<i>Rds.</i> 100,000
From the “ Rix Dollar 500,000 Fund,” created by Sir John Cradock in 1812, for the execution of public works	50,000
From the proceeds of the government farm established for the supply of the troops on the frontier districts	50,000
	<hr/> 200,000

And as it was declared that these issues did not arise from any new creation of paper currency, directions were given that it should not be added to the capital of the bank, but a separate account was to be kept of the principal and interest, with a view to the reimbursement of the colonial treasury. The distributions were made pursuant to these instructions, and according to lists that have been furnished to us by the bank.

On the 8th of August 1822, and immediately after the severe storms already mentioned, the Governor published a further proclamation, in which it was declared that the relief before extended to the agriculturists had not left sufficient means at the disposal of the colonial treasury to meet the new exigency ; and that his Lordship deemed it advisable to direct the preparation and issue of a sum of 200,000 rixdollars (£15,000) of paper money, which, though constituting a present addition to the paper in circulation, was not permanently to be added to the colonial currency, but to be redeemed and destroyed as soon as the measures which were then adopting for the relief of the sufferers were completed.

.. Ninety thousand rixdollars (£6,750) were distributed in

loans from this fund to inhabitants of the Cape and Stellenbosch districts, between the 30th August 1822 and the 15th January 1823. Five thousand five hundred rixdollars (£412 10s.) were advanced on the 7th February 1823 to the inhabitants of Simon's Town; and on the 15th January 1823, one hundred thousand rixdollars (£7,500) were advanced to the magistracy of Tulbagh, for the purpose of defraying in part the expenses attending the erection of new public buildings at Worcester, to replace those at Tulbagh, which were reported to have received such serious injury from the tempest, that it would be inadvisable to repair them. These loans, bearing an interest of six per cent per annum, were directed to be made through the respective boards of the district magistracy, who, together with the district at large, were declared to be ultimately responsible for the principal and interest advanced; that the repayment was to be made by instalments of ten per cent, to commence after the lapse of two years; and that any defalcation should be made good by increased assessments upon the districts.

On the 1st August 1823, an advance of 7,000 rixdollars (£525) was made to two inhabitants of the district of Graaff Reinet, who had represented that their crops had been destroyed by the rust; and on the 30th December 1823, an advance of 2,250 rixdollars (£169) was made to six emigrant settlers in Albany, who had suffered from the storm and flood that occurred in October of that year.

In the statement that we have the honour to transmit, your Lordship will also observe that several advances were made during the year 1824, and subsequently to the negotiation of the drafts upon His Majesty's Treasury. In March 1824, 3,333 rixdollars (£250) were lent for the erection of a missionary chapel at Stellenbosch; and in May 1824, 3,000 rixdollars (£225) to an inhabitant of that district, whose property had been destroyed by fire. In September, 2,692 rixdollars were advanced to the district of Swellendam, for the relief of one of the inhabitants who had complained of loss from the failure of his crops. In July 1824, 7,000 rixdollars were advanced to certain British settlers in Albany; and, according to the account furnished to us, various sums, amounting to 11,392 rixdollars, were advanced to them between the 10th August and

the 5th of November 1824; and a further advance of 18,500 rix-dollars was made on the 28th December 1824, to be distributed in loans to the settlers in Albany, through the medium of the district board.

The several advances that have been enumerated comprehend, with the exception of a trifling balance, the appropriation of the entire sum of £35,097 drawn for by Lord Charles Somerset on His Majesty's Treasury.

We have now the honour to report to your Lordship, that according to the best information we have been enabled to obtain, the effects of the storms that occurred in the month of July 1822 were severely felt in Cape Town, and in the districts of the Cape and Stellenbosch, and in parts of Tulbagh; and we beg to refer your Lordship to the returns of the damage caused to the property of individuals who were claimants for relief, and from which it appears that 626 of the inhabitants of the Cape and Stellenbosch districts, and 65 inhabitants of Cape Town, suffered loss from dilapidation of buildings. We are at the same time bound to observe, that from the defective mode in which buildings are commonly constructed in this colony (the expense of mortar occasioning the substitution of mud), they are dependent upon a coating of plaster for protection from the effects of the ordinary rains, and that the continuance of rain for successive days might at all times be expected to cause much destruction of property in the colony. The ordinary structure of the Dutch farm-houses, with front gables, tends also to expose the walls to saturation, by the deposit of moisture in the angles of the roof, which in the country is usually of thatch; while the terraced roofs of houses in Cape Town are also exposed to injury from the use of unseasoned timber and other bad materials. We are led to make these observations from the frequent injuries that are sustained by buildings of this description in the western part of the colony, where the periodical rains are copious, and as buildings of a more substantial and durable structure have been found to remain uninjured from the severest storms, and during a long succession of years.

On the receipt of communications from the remoter districts, it became apparent that the effects of the storm had not extended beyond the western division of the colony; and

although it was reported, by the Landdrost of Tulbagh, that several dwelling-houses in the town had suffered severely, and that some of the crops had been washed away by the torrents, the principal object of the report of this magistrate was to represent the state of the public buildings at Tulbagh. As this, and subsequent reports of a similar nature from the same person, have led to the appropriation of the large sum of 100,000 rixdollars (£7,500) for the purpose of erecting a new establishment at Worcester, and transferring thither the seat of the provincial magistracy, that had for upwards of twenty years been fixed at Tulbagh, and as it is a measure that was adopted in opposition to the earnest remonstrances of many of the inhabitants of the remoter subdivisions, who suffered great inconveniency by it, and to the inhabitants of the village of Tulbagh, whose property was greatly deteriorated in value by the removal, we deem it necessary to submit to your Lordship, in this place, a somewhat detailed explanation of the circumstances under which it was effected, and of the result to which it has led.

It appears that the principal reason that influenced the determination of the colonial government, was the very slow increase that had taken place in the population of the town of Tulbagh, in spite of the great attractions that are created by the circumstance of its having been the seat of a drostdy, or the residence of the chief magistrate, and still more of its containing the church and the residence of the clergyman of the district. The establishment of Tulbagh took place in the year 1804, during the occupation of the colony by the Batavian government; and it was formed by the separation of the northern divisions of the Stellenbosch district, adjoining the district of Graaff Reinet. The village had previously existed with the church establishment, to which was attached a spacious house for the residence of the clergyman, and the use of an excellent garden, and land adjoining.

We understand that it was contemplated by the Batavian authorities to have appropriated this house to the district magistrate, for which it was well adapted, being at the same time far too spacious for the parsonage; but for reasons that are not explained, the erection of a new mansion was determined on. An estate contiguous to the village was purchased for

20,000 guilders (£500), and a donation of 25,000 rixdollars (£1,875) was made by government towards the erection of the mansion. An advance was made of a like sum for the erection of other public buildings required for completion of the establishment; and a further donation of 4,000 rixdollars (£300) was subsequently made by Sir David Baird for the completion of a handsome portico to the house; with exception of the foregoing gratuities, amounting to 29,000 rixdollars (£2,175), the expenses of establishing the seat of magistracy at Tulbagh devolved on the inhabitants of the new district, who contributed by carting and carrying the materials for the buildings, and who ultimately redeemed the debt of 25,000 rixdollars to the general treasury, together with other expenses which were subsequently incurred, to the amount of 8,333 rixdollars, for the erection of additional buildings.

From considerations more of private than of public interest, the drostdy house had been placed at a distance of two miles from the original village of Tulbagh; and a house for the district secretary, a gaol, and a house for the gaoler, were subsequently erected and paid for out of the district funds. A competition seems thus to have been encouraged in the increase of the two villages, and the growth of the larger and more ancient of the two was impeded by some unnecessary restriction upon the sale of certain portions of the church land, which the elders had consented to alienate for the enlargement of the town. The separation of the offices in which the business of the district was carried on from the village of Tulbagh (or Church-street) tended likewise to impede the growth of the latter, as one of the principal sources of gain to the inhabitants of drostdy towns arises from the influx of the inhabitants of the distant districts for the purpose of transacting business and paying their proportion of the annual taxes.

The situation of the village was not ill chosen, either with respect to the supply of water, or as a place of resort to the inhabitants of the northern and eastern districts of the colony passing to and from Cape Town. It is placed at one end of a fertile valley that lies between the two great ranges of mountains that form natural barriers to the western and eastern districts of the colony. The approach to the valley through the eastern range is effected by a mountainous road called

Witzenberg Pass, that is capable of great improvement; and it is by this pass that the cattle and sheep that supply the market of Cape Town are driven, for the purpose of avoiding the dangerous passage of the Hex River, that leads through the pass into the plain of Worcester. The road that leads from the valley of Tulbagh to Cape Town, passes through a kloof or opening in the western range of mountains called Roodesand Kloof, of not very difficult ascent, having the village of Tulbagh at a distance of three miles on the right.

Notwithstanding these advantages of position, they had failed to produce the increase that had been expected in the population of Tulbagh. The number of houses in Church-street previously to the establishment of Tulbagh as a seat of magistracy, was represented to have been fourteen, and this number had only been augmented to thirty-seven in the course of twenty years. On the church land that was at length permitted to be disposed of to new settlers in 1821, four houses had been built, and the foundation of two others had been laid. The allotments in favourable situations had also augmented in value.

Impressed with these circumstances, and with the greater advantages of position of the plain of Worcester, which he visited in 1817, Lord Charles Somerset resolved to make it the seat of a sub-drostdy. Two estates that now constitute the site of the town of Worcester, the landdrost's farm and residence, were purchased in the year 1818 for 140,000 guilders (£3,500) by means of an advance to the district from the Lombard Bank, which was to be repaid by the sale of building allotments. The formation of this establishment was recommended by the former magistrate of Tulbagh, who contemplated an improving intercourse through that part of the country from the opening of a new road over the western range of mountains called the "French Hoek," which is now nearly completed, and which will certainly render the passage between the eastern districts and Cape Town more direct than by Witzenberg Pass and the Roodesand Kloof.

The improvement, however, of a very difficult pass called "Du Toit's Kloof," and leading directly out of the valley of Worcester, would still be necessary to secure to the town and district a full participation in these facilities of communication.

The soil of the valley of Worcester is peculiarly fertile, and the command of water more considerable than is usually found in situations where attempts have been made to form new settlements. Its selection for a sub-drostdy was justified, we think, by these and other advantages, to the natural operation of which might have been left the progressive augmentation of the town, and the future establishment of a more extensive jurisdiction. We are bound to observe, however, that some material objections apply at present to the situation as the seat of a drostdy or chief magistracy, which it has been thought right to remove from Tulbagh, leaving only at the latter place a subordinate magistrate, named a "special heemraad," whose jurisdiction is so very limited that nearly all the inhabitants of the district find it necessary to resort to Worcester for the transaction of their business; an addition is thus made to the length of their journeys, and they are exposed to great difficulty as well as detention from the sudden rising of the rivers that cross the principal roads leading to Worcester. These difficulties impede the progress of all travellers, and as they cannot be avoided while the passes are unimproved, and are attended with danger to cattle and sheep, the road by Tulbagh is most frequently preferred to that of the Hex Valley and Worcester. It is further observable, that the latter place is situated at the south-western extremity of the district. It was upon a view of these circumstances that a sub-drostdy was established at Worcester; but it was not until the heavy storm that occurred in 1822 that the resolution was adopted of transferring thither the drostdy and seat of provincial magistracy. The letter of the landdrost addressed to the colonial government, and describing the damage that had been done to the drostdy and public buildings at Tulbagh, was the immediate motive of this resolution, although, in an answer of the Governor that was made to a memorial of several of the inhabitants of Tulbagh, complaining of the injury that the removal would occasion to their property there, it was stated that "the measure had for some time been in contemplation, and had not been adopted without the fullest consideration."

It does not appear to us that the heemraden, or members of the district council, had been consulted upon this measure; but they express their concurrence in the expediency of the

arrangements that were proposed to defray the expenses of making a new establishment at Worcester, and upon which the removal of the seat of magistracy from Tulbagh appears to have been ultimately decided by the colonial government.

It had been reported by the landdrost of Tulbagh, soon after his appointment in April 1822, that the drostdy house and buildings stood in need of much repair, and the expense was estimated at 5,000 rixdollars. On the 17th July 1822, the landdrost in reporting the effects of the rains that had fallen, represented to the colonial government that the buildings at Tulbagh had received so much injury that the estimate of repairs before given in would be greatly exceeded. This was followed by another report of the landdrost alone, that the storm that had commenced on the 19th July, and had continued without intermission till the 25th, had destroyed or rendered unfit for habitation the whole of the buildings appertaining to the seat of magistracy. We conceive that this statement, written under the impression of the general and extensive damage that the storm had occasioned, was not justified by the injury that the buildings had sustained.

The drostdy house, which is a spacious and substantial building, and much more extensive than would be required for the landdrost's accommodation, had certainly sustained some injury, and especially in the end walls of the gables, and in that part of a flat roof that covered a portion of a principal passage. Some of the public offices that were detached from the principal building had suffered more material injury in consequence of their bad construction, but as no regular estimate was formed of the expenses that would have attended the repairs, we are unable to form any precise opinion of the sum that would have been required to restore the buildings; but we think it right to add, that the individual who purchased the landdrost's house at Tulbagh has been able to inhabit it for the space of two years without incurring any greater expense than from 500 to 600 rixdollars (£37 to £45) in repair; and from the state in which the house appeared in the month of April of last year, we are of opinion that the sum of 6,000 rixdollars (£450) would have been found ample to repair all the damage that it had sustained by the storm, and to have placed it in a very habitable condition.

The resolution of the government for the removal of the seat of magistracy from Tulbagh to Worcester, was finally passed on the receipt of an estimate of the sums that it was calculated the district could realize for the purpose of defraying the expenses attending the erection of the new buildings. These sums it was proposed to raise from the sale of the government buildings at Tulbagh; a farm attached to the drostdy at some little distance; the proceeds of one hundred and forty-two building allotments in the new town of Worcester, and the produce of a new tax upon slaves in the district for three years; the collective amount of which was estimated at 387,952 guilders (£9,699). Upon this estimate the sum of 100,000 rixdollars (£7,500) was advanced as a loan to the district, to be redeemed from the proposed funds as they might be progressively realized; and it was directed to be exclusively applied to the erection of the usual buildings required at the seat of a district magistracy, consisting of a residence for the landdrost, courthouse and public offices for the landdrost, the secretary and his clerk; the same for the district clerk and registrar of slaves; a church, a gaol, and messenger's house, with apartments for the gaoler. The erection of the landdrost's house was commenced in January 1823, upon a plan that had been approved of by the Governor, and on the intimation that 68,000 rixdollars was the amount estimated for the building by the inspector of public works. No detailed estimate or specification would appear to have been furnished for the guidance of the builders; all contracts and purchases of materials were placed in the hands of the landdrost, who also in the first instance superintended the execution of the work. This duty was afterwards transferred to a gentleman who had formerly served in the engineer department of the East India Company at Bombay, and who resided in the colony on account of his health.

According to the accounts that were made up to the end of February of this year, the whole sum expended on the house amounted to nearly 87,000 rixdollars (£6,525), including a certain quantity of timber that may be applicable to other buildings, scaffolding, and the foundation walls of a gaol. It is expected that the house will be finished in July; and in consequence of an alteration made in the height of the rooms

of the basement story, it is contemplated to apply some of them to the use of the landdrost and heemraden for holding their courts, for offices for the landdrost and his clerks, and the district secretary.

No estimates have yet been framed of the other buildings that were ordered ; but we have reason to think that the cost of the landdrost's house will not be less than 90,000 rixdollars (£6,750), and that the remaining portion of the sum advanced will be utterly insufficient to meet the charge of any other building.

Having accounted to your Lordship for the distribution of the funds realized by drafts upon His Majesty's Treasury, and having added such explanations as our inquiries have enabled us to afford, we now proceed, in obedience to your Lordship's instructions, to report our opinion of the expediency of the measures pursued by Lord Charles Somerset, in their application to the relief of the inhabitants, and to the erection of public buildings.

The advances to the amount of 200,000 rixdollars, that were made to the distressed agriculturists in June 1822, through the government bank, were expressly declared to be subject to the regulations by which that establishment was guided in the loans it was authorized to make from its own capital, and the bank became responsible in the same manner for the recovery of the sums it was thus empowered to advance. The usual conditions of its loans, which were made on mortgage of real property, and the responsibility of two personal securities, required the repayment of the principal by instalments of six per cent per annum from inhabitants of the country districts, and ten per cent per annum from inhabitants of Cape Town and its environs, together with an interest of six per cent per annum.

The measure of negotiating these loans through the bank appears to us to have been in some respects judicious ; for as the paper currency, representing the capital of that establishment to the extent of 1,310,255 rixdollars, had already been negotiated in loans to the inhabitants upon the foregoing terms, and as great indulgence had been shown to individuals who had failed to discharge their obligations, by which the accommodation had in many instances been indefinitely pro-

longed, it was desirable that the president and directors of the bank should be apprized of the applications of individuals for relief, many of whom might already have been indebted to that establishment in considerable sums, which they were unable duly to repay, although the security afforded by them might be ample. We accordingly find it stated by one of the directors of the bank that they exercised their discretion in selecting from the numerous applicants the individuals who could afford the best security for the sums to be advanced to them.

In considering the sources from whence these advances to the agriculturists were derived, we have already observed that 100,000 rixdollars were contributed from the colonial revenues, 50,000 rixdollars from the government farm on the frontier, and 50,000 rixdollars from the "500,000 Rixdollar Fund" created by Sir John Cradock for the execution of public works, and which, by your Lordship's letter to Lord Charles Somerset of the 30th July 1814, had been directed to be redeemed and cancelled.

As the application to His Majesty's Government would not appear to have been contemplated at the period when these colonial funds were placed at the disposal of the bank for the relief of individuals, we are to conclude that it was in the contemplation of the colonial government to depend for their reimbursements either upon the resources of the bank, or eventually upon the parties to whom the advance should be made through the bank; and if the delay in the recovery of its funds by instalments from the parties were likely to have occasioned any embarrassment to the colonial government, we submit that it would have been practicable to have required the bank to make over to the government the first instalments of its capital progressively recovered from individuals indebted to it, and to have carried the sum of 200,000 rixdollars advanced under the proclamation of June 1822, to the account of its outstanding debts.

From a capital consisting of 1,310,255 rixdollars, lent by the bank upon condition of repayment by annual instalments, a sum equal to the amount of these advances might have been expected to be recovered by the time that the reimbursement was ultimately effected by drafts upon His Majesty's treasury; and as it has been the practice of the bank to re-issue its

capital in new loans to individuals, a practice that is still continued, this accommodation to the community of the Cape might have been legitimately suspended in redeeming to the colonial government the charge it had incurred expressly to relieve the agriculturists.

From June 1822, when the advances were made, to December 1823, when the amount was reimbursed, the sum of 196,891 rixdollars (£14,766) was issued in new loans from the bank; and as these were derived from the ordinary receipts of the instalments of former loans that had become due to the bank within the period mentioned, the government might have reclaimed from this source the amount of its advances to agriculturists.

On reference to the bank returns, we observe that in February 1823, 100,000 rixdollars might thus have been repaid to the colonial treasury; and in June 1823, a further sum of 50,000 rixdollars could have been paid to the government farm; the remaining sum of 50,000 rixdollars, re-issued from the paper currency created for public works, might also, if required, have been redeemed in the course of the same year, without recourse to the funds of His Majesty's treasury; and the colonial government would have continued to receive the same interest of six per cent per annum upon the loans to the agriculturists, that it has done from the other inhabitants who received the accommodation from the bank.

In the disposal of the fund that was deposited with the bank in June 1822, for the relief of the agriculturists, we have observed that the directors were allowed to exercise a discretion; and according to their returns the sum of 173,983 rixdollars (£13,048) would appear to have been distributed to inhabitants of the Cape and Stellenbosch districts; and 25,200 rixdollars (£1,890) to inhabitants of Swellendam, Worcester, and George. The two former districts being more populous than the others might be expected to absorb the principal share of the relief afforded, and the failure of the crops in the interior parts of the country would be less severely felt, where the profits of the farmer depended more upon the breeding of stock than on the returns of agriculture; this observation, however, is more applicable to the Cape district, in which corn is generally cultivated, than to Stellenbosch, where wine is the principal produce.

In the extensive district of Graaff Reinet no advances were made by the bank pursuant to the proclamation of June 1822; and in reply to the overture of assistance held out by the government in 1823, after the receipt of advices from your Lordship, it was stated by the magistrate, that two individuals only were disposed to avail themselves of the offer; and from the subsequent explanations afforded by the same magistrate to ourselves, it would appear that one of those persons had withdrawn his request, and that the sum of 3,000 rixdollars (£225) remitted for him had subsequently been advanced, without sufficient attention to the original intentions of government, to a gentleman who had sold his land and relinquished his agricultural speculations.

As the effects of the "rust" and of drought in the destruction of the corn crops had equally extended to the district of Graaff Reinet, the indisposition of the inhabitants to accept the proffered assistance on the terms proposed may be attributed to the fact of their chief dependence being placed upon their extensive pastures, and of the tillage of their farms being less a source of profit than of economy. The same considerations may have also weighed with the inhabitants in the remoter parts of the district of Tulbagh, although in the neighbourhood of the town the lands were more generally cultivated; and we have no doubt that many individuals would have accepted relief if the loans had been tendered upon more indulgent terms.

On the other hand, the correspondence furnished to us by the Governor, in explanation of the losses sustained by an inhabitant of Swellendam, who had memorialled his Excellency in August 1824, to be relieved from the payment of some arrears of taxes, would indicate the great distress to which the farmers of that district were exposed, who had participated to no greater extent than the districts of Tulbagh and of Graaff Reinet in the relief afforded through the bank. In adverting to this case, we would not appeal to it as exemplifying the condition to which the agriculturists of this colony had been reduced from the failure of their wheat crops. We are aware that in the district of Swellendam the cultivation of corn for the Cape market had increased; according to the official return furnished to us the produce had augmented from 81,897

bushels that were raised in the year 1816, to 236,178 bushels raised in 1819. As the quantity of grain sown in the years 1820 and 1821 exceeded the quantity sown in 1819, the losses occasioned by the failure in those years must have been considerable; but the "rust" having been chiefly destructive of the wheat crops, a greater quantity of barley and oats were sown in 1822, and the general returns of that year were very favourable to the agriculturists, the whole quantity reaped being estimated at 226,674 bushels, which, though inferior in quality, was nearly equal in quantity to the produce of 1819. In 1823 the crops were again attacked by the "rust," and from the increased quantity of wheat sown in that year by the farmers of Swellendam, they must again have suffered considerable loss.

Under these circumstances the pressure of taxation occasioned by district debts, antecedently contracted, bore heavily upon the farmers.

According to the lists furnished to us by the bank the claims of thirty-six of the principal inhabitants of Swellendam, who had applied for advances to the amount of 74,866 rixdollars (£5,614), were rejected, and only nine individuals in the district received advances, amounting in all to the sum of 9,933 rixdollars (£745). Comparing this amount with the considerable sums advanced to the agriculturists of the Cape district, and more particularly that of Stellenbosch, in which the cultivation of corn had been a secondary object to the production of wine, we are of opinion that the farmers of Swellendam did not receive from the bank the due share of the relief to which the extent of their losses entitled them, provided the security they had to offer was not proved to be inadequate. At the same time we are constrained to observe, that the subsequent application in 1824 of the sum of 2,692 rixdollars (£202) to a distressed inhabitant of that district, named Fouché, was not justified either by the circumstances or the claims of that individual. The object of his memorial to the Governor was to obtain a remission of taxes, and to effect this object he pleaded his sufferings from absolute want, occasioned by the failure of his crops. The subsequent report of the magistrate to whom the Governor referred his memorial was calculated to discredit his statements; but even if the Governor had

felt justified in acceding to his request, by remitting the amount of his taxes, it was apparent that the same poverty which prevented him from paying the sum of 62 rixdollars, the amount of the district's claim for four years, would equally preclude him from affording adequate security for an advance of 2,692 rixdollars, for which the district at large was made responsible to the general treasury. We have but just ascertained that the district board, influenced by these considerations, has withheld the advance on account of the declared inability of this individual to afford the required security, and from the apprehension of loss to the district.

There can be no doubt that much distress did prevail in the corn districts from the failure of the crops ; and we conceive, from the general accommodation that the bank has been allowed to afford to the colonists, that its resources might have been judiciously applied to the relief of the agriculturists ; and that if the sum of 200,000 rixdollars had been advanced on indulgent terms from the colonial funds to such of the inhabitants throughout the colony as were proved to have suffered loss, and who could have afforded adequate security, that essential benefit would have been conferred ; but that the real and personal security required by the bank, added to the high rate of interest of six per cent per annum, excluded many distressed individuals from a participation in the relief, which was extended rather to those who could afford the security required than to such as had sustained the greatest loss, and whose support was connected with the interest of the colony.

Although we are of opinion that the negotiation of the loans through the bank was judicious, we conceive that the directors ought not to have been entrusted with the sole discretion in admitting or rejecting the applications of individuals. No returns were required from the magistrates or the district boards, and no reference for information appears to have been made to them by the directors of the bank : it is not, therefore, surprising that the relative claims of individuals were not duly considered ; and we have the authority of the late landdrost of Swellendam for stating, that many farmers of his district, whose claims were rejected by the bank, were in circumstances to have afforded the security required.

In the distribution of the funds applied to the relief of the

sufferers from the storms that occurred in July 1822, the paper money that was added to the amount already in circulation was placed at the disposal of the district boards, who were held responsible for the recovery of the sums respectively entrusted to them; and although this measure was intended to secure the public from the risk of eventual loss, and was in conformity with a precedent established by the Batavian government in the advance made to the district of Stellenbosch, we do not recognize the justice of imposing upon the inhabitants of the district in which the funds were distributed the responsibility for sums advanced to individuals for their private benefit. Although the arrangement might be calculated to induce caution in the magistrates, it was apparent that any deficiency would require to be made up by increased assessment upon the inhabitants at large; and as the assessed taxes are indiscriminately levied upon the poorest classes who are not entirely destitute, they have thus been made liable for personal debts contracted by those individuals who were in circumstances to afford security for the loans.

In the accommodations afforded to the inhabitants after the storms, we have no reason to doubt that the individuals relieved in most instances sustained some loss from the dilapidation of their buildings; and although a discretion was vested in the district boards in respect to the security that would be required, we are not aware that it was imprudently exercised. We are of opinion, however, that in these loans, as well as in the advances to the agriculturists, it would have been expedient to have caused a special examination to be made into the reports of the local magistrates, and a comparison of the relative claims and circumstances of individuals, advances being made through the bank to those who had sustained the greatest loss or damage, without reference to the districts that they inhabited, but proportioned to the security that they might have been able to afford.

We would further have recommended that the funds of the bank should have been made specially applicable to the relief of those of the inhabitants who had suffered from the storms and calamitous seasons; and that the usual discretion of the bank directors in the re-issue of these funds, to individuals applying for general accommodation, should have been limited

in favour of those who had more immediate and more urgent claims to such assistance.

The advance of the sum of 100,000 rixdollars (£7,500) for the erection of new public buildings at Worcester, from the paper currency created in August 1822, though constituting a legitimate charge upon the district resources, we conceive to have been injudicious at a time that the colony at large had suffered so severely from the effects of the seasons, and when the colonial resources were declared to be inadequate to relieve the prevailing distress. The abrupt removal of the seat of magistracy from Tulbagh to Worcester was injurious to many private interests, and inconvenient to the inhabitants of that district, with the exception of that portion of them who resided in the valley of Worcester, and whose convenience had been consulted by the establishment of the sub-magistracy at Worcester in 1818.

The appointment of a special heemraad or petty magistrate to reside at Tulbagh, was not calculated to relieve the inhabitants of the town from the inconvenience occasioned to them by the removal of the district board to Worcester; and although by improving the passes in the mountains, and providing for the passage of the rivers, the new town of Worcester may eventually become a place of more general resort, the expense that will be entailed by these undertakings will unavoidably delay their completion, and occasion the inhabitants to be exposed for a considerable time to much inconvenience.

The public buildings at Tulbagh might have been repaired at an expense far less considerable than the erection of the new buildings at Worcester has already involved; but if the situation of the magistrate's house in the former place had been deemed objectionable, we are of opinion that the appropriation of the parsonage-house in Tulbagh to the use of the magistrate, would have been an eligible arrangement; and that the erection or purchase of a smaller house for the clergyman would have provided sufficiently well for his accommodation, without any considerable expense to the district, beyond the sum for which the old buildings have been disposed of. The erection of a gaol and of public offices in the town would have been rendered necessary by this arrangement, but

the inhabitants would have been benefited by the proximity of the public establishments.

The charges made on the district, and especially the imposition of a new assessment, were objectionable as burthensome to the people at a time of distress, and as inadequate to the proposed expenses. From the observations of Lieutenant-Colonel Bird, we are led to conclude that the government adopted the estimate framed by the magistrate, and recommended through the board, without due consideration, and that the recovery of the sum advanced for the erection of the new buildings must depend upon other resources than those which have been assigned.

As the house and farm that were purchased in 1818, as a residence for the sub-magistrate at Worcester, has been occupied by the landdrost during the last year, and as it affords comfortable though limited accommodation, and the convenience of an excellent garden, we are disposed to think that the erection of the spacious building, of which an elevation is to be found in the Appendix, and which has nearly absorbed the funds that were supplied, might have been altogether postponed till other indispensable works had been executed ; and in particular a gaol for the district.

We are informed by Lord Charles Somerset, that in approving the plan of the magistrate's house, it was in the contemplation of his Lordship to suspend the execution of a considerable part of it ; but the landdrost who was entrusted with the execution of the work, would appear to have been left to the exercise of his discretion in the disbursement of the funds ; and as no specification or detailed estimate was furnished, the intentions of the Governor have been lost sight of, and an edifice has been erected under the superintendence of the landdrost, which has nearly absorbed the sum originally advanced to defray the expenses of the new establishment.

As the principal argument for the removal of the magistracy was founded on the slow progress that the village of Tulbagh had made, we conceive that it will be incumbent on the government, after completing the establishment at Worcester, on which the progress of the new town will much depend, to improve the communications with the district.

The enforcement of the conditions upon which the building

allotments have been sold is also indispensable to the settlement of the town, as few of them have hitherto been occupied, and many are held by persons on speculation of their improving value. We conceive that the opportunity should not be lost of promoting the settlement of industrious labourers and mechanics, while the execution of the public works may continue to hold out profitable employment to them.

The progress of the establishment at Worcester will not supersede the necessity of replacing a limited establishment or sub-drostdy at Tulbagh, upon the footing of that which was formed at Worcester in 1818; and we conceive that the present parsonage-house could be desirably appropriated as the residence of the deputy landdrost, by which arrangement the public convenience would be promoted in the reunion of the church establishment with the magistracy.

In considering the nature of the funds that were offered as security for the advance from the Lombard Bank, it would not appear to have been adverted to, that the sums arising from the disposal of building allotments at Worcester had originally been pledged for the repayment of the loan of 140,000 guilders (£3,500) advanced by the bank for the purchase of the land. This sum, no part of which has yet been accounted for to the bank, will accordingly have to be deducted from the resources applicable to the repayment of the sum due to His Majesty's treasury. The old buildings at Tulbagh, which were estimated at 50,000 guilders (£1,250), were sold upon credit for the sum of 35,100 guilders (£877) on payment of interest at five per cent, and repayment of principal in fifteen years. The cattle place at Witzenberg forming part of the public property of the drostdy of Tulbagh, which was valued at 20,000 guilders (£500), was sold for that sum on similar terms; consequently no part of the proceeds have yet been realized. The produce of the slave tax for three years, estimated at 90,000 guilders, or 30,000 rixdollars (£2,250), will not exceed the aggregate sum of 13,263 rixdollars (£994); and no part of it has hitherto been remitted in liquidation of the treasury advance. The original advance therefore of 100,000 rixdollars (£7,500) may be considered to have been absorbed, or nearly so, in the expense of constructing a house for the landdrost (including some public offices to which a part of that building

has been applied), and consequently new funds will have to be raised to the probable extent of 40,000 rixdollars (£3,000) for the erection of a gaol, church, secretary's house and parsonage.

The district of Worcester having been called on to provide for the erection of two principal establishments since its formation, and its resources having proved inadequate to meet the expense of the last, we recommend that the charge of interest at six per cent per annum upon the sum of 100,000 rixdollars (£7,500) advanced to that district in January 1823, should be remitted in arrear; and on a reference to the interest account that accompanies our general statement of these transactions, your Lordship will perceive that the colonial government, after remitting to His Majesty's treasury the interest due to it for the year 1824, will still retain a considerable surplus of interest arising from loans created by the issue of paper currency.

We would then propose that the principal sum of 100,000 rixdollars advanced to Worcester, should be recovered by the bank in common with the several charges upon the fund of 500,000 rixdollars (paper currency created in 1812 for public works); and as this fund has subsequently been applied to other objects, and in particular as 50,000 rixdollars were advanced from it to the agriculturists in June 1822, and as 79,879 rixdollars are still employed in private discounts, we recommend that the credits of this fund should be held as a present security to His Majesty's treasury for the principal and interest of this advance. The sums that have been raised upon the sale of public buildings and lands in Tulbagh and Worcester, would thus be receivable by the bank to the credit of the fund for the public works, to which the advance of 140,000 guilders (Rds. 46,666½; £3,500) for the purchase of two farms at Worcester, to form the sub-drostdy in 1818, had already been charged.

With respect to the private loans, we have already stated to your Lordship our opinion that the advance of 200,000 rixdollars (£15,000) from colonial funds for the relief of the agriculturists in June 1822, might have been redeemed from the bank without any appropriation of the funds of His Majesty's treasury, the receipts of the bank between June 1822 and November 1823, having averaged nearly 11,000 rixdollars

per mensem, or 132,000 rixdollars (£9,900) per annum ; but as the paper currency applied to the relief of sufferers from the storms in July 1822 was created in anticipation of assistance from His Majesty's Government, the application of £15,000 to the redemption of that paper which had been thus added to the amount in circulation, was a just fulfilment of the pledge to the public creditor.

As, however, the loans granted to individuals pursuant to the proclamation of August 1822 were not negotiated through the bank, although upon terms that are generally accordant with its regulations, we beg leave to propose to your Lordship as a measure calculated to simplify the various transactions and to relieve particular districts from a responsibility for loans to individuals, that the whole may be accounted for to the Lombard or loan bank, whose capital employed in affording private accommodation, may constitute a present security for the treasury advance, in the same manner that the fund for public works may constitute the immediate security for the advance to the district of Worcester.

When we have the honour of reporting to your Lordship the result of our inquiries into the affairs of the colonial banks, we shall resume the consideration of these preliminary arrangements.

As the advances to the British settlers in the district of Albany have not been made in pursuance of the measures originally taken by Lord Charles Somerset, we have not noticed them in the consideration of these measures. The distresses of the settlers in the first years of their emigration had obtained for them the liberal assistance of government, in the distribution of rations upon the security of sums originally deposited by them ; and a gratuitous distribution of rice was subsequently made in aid of their means of subsistence. In these circumstances, it is not to be supposed that they could have afforded the necessary security for advances from the funds of His Majesty's treasury. The partial success that has recently attended their exertions may have enabled the more prosperous to afford the security required for the loans, although in considering the amount that has been distributed, and the terms on which the parties have accepted the loans tendered to them, we doubt whether any essential benefit will be derived by the

settlement from this accommodation ; while the parties who had suffered from the failure of crops in former years, or from the effects of the floods that devastated that district in October 1823, had either surmounted their distress, or been already relieved from other sources. The advance of these sums has been made through the district magistracy on the general security of the district revenues, which have hitherto been wholly inadequate to the expenses of the establishment : we have not yet received any detailed statement of the distribution of these funds.

In bringing under your Lordship's consideration the letter of Lord Charles Somerset, in answer to the inquiry that we had the honour to address to his Lordship, as to his intentions of making any further application of the funds of His Majesty's treasury, we beg leave most fully to concur in the importance of erecting a church in Cape Town for the English congregation. We are also of opinion that the erection of a new gaol will become necessary, upon a plan that will admit of the introduction of suitable regulations, and be calculated to provide for the proper custody of the prisoners, who have increased with the population of the town and the colony since the present building was erected. The gaol in Cape Town, as well as those in the country districts, are generally defective, both in point of plan and accommodation, and to which cause their defective management may in a great degree be attributable ; and we conceive that, in the erection of new gaols, it would be very desirable that an approved plan should be furnished that would be applicable to the amended system of regulations which it would be desirable to introduce. A gaol will have to be erected at Worcester ; and those in most of the districts will require to be progressively altered or rebuilt. Of the churches, that of Uitenhage has not been raised above the foundation, owing to the misconduct of the contractor. The Simon's Town church was destroyed in a storm that occurred last year ; and the church of the George district is also in ruins, while the debts contracted for their erection are unredeemed. We are therefore strongly impressed with a conviction of the importance of entrusting the superintendence of public works in this colony to scientific builders, and of framing the estimates for them upon such specifications as may ensure the application of the

best materials, and their execution upon approved plans. By the bad materials and defective structure of buildings in this colony much loss has already been sustained, while the saving effected has been comparatively trifling. The public buildings at Tulbagh, which were sold in 1823, were only erected twenty years ago; while the state of the old buildings erected by the Batavian government, in the early periods of the colony, will amply attest the economy of erecting solid and durable structures.

When the expense that would attend the execution of the public works we have enumerated is considered, and the large sums that are still unredeemed of the advances of paper currency for the execution of public works, from the fund created in the year 1812, we regret that we cannot recommend to your Lordship that any further sums should be drawn for in aid of such undertakings, however useful and even essential, until measures for the settlement of the currency and finances of the colony may obtain your Lordship's sanction.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

To the Right Hon. the Earl Bathurst, K.G.

[Enclosure 1 in the above.]

Evidence given by CHARLES TRAPPES, ESQRE., *to the*
COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 10th September 1823.

At what period was it determined by the Colonial Government to remove the Drostdy of Tulbagh to that of Worcester?

Reply. Shortly subsequent to the Storms that took place in the month of July 1822.

At what time were you appointed Landdrost of Tulbagh?

Reply. On the 3rd January 1822.

Had any determination been previously announced to you of effecting the removal of the Drostdy?

Reply. The Governor informed me that it was his intention to remove it at the first favourable opportunity.

Did he state to you the reasons for that measure?

Reply. The entire failure in attracting any Population to Tulbagh from its being in an insulated Position with respect to the District, and not being near any public roads.

Do not the Inhabitants of the Roggeveld and the Bokkeveld after passing the Witzenberg Pass, travel along a Road that leads them within four miles of Tulbagh on their way to Cape Town ?

Reply. That Road passes within Three or Four Miles of the Drostdy and within a mile of Church Street.

Did you find that the People passing along this Road out-spanned in the neighbourhood of Church Street ?

Reply. I do not think they did. Individuals might repair to Church Street, but when Sales of Cattle or Sheep took place it was near Roode Sand Kloof at a distance of Three or Four Miles from Church Street.

Are you of Opinion that the Inhabitants of Church Street derived any advantage from the proximity of the Road that led from Witzenberg Pass to Cape Town ?

Reply. I conceive the advantage that they derived from that circumstance was very trifling.

Was there any Inn in Church Street ?

Reply. There was no regular Inn, but Individuals I believe were in the habit of affording Lodgings to Travellers.

Was there a good supply of Water at Tulbagh and Church Street ?

Reply. The supply of water was very scanty at both places for a Town, but it was sufficient for the present Population.

Had the population increased at either place during the last 10 years ?

Reply. I cannot answer that question with certainty, but no Buildings of consequence appear to have been erected latterly. I do not consider that the position of Church Street admitted of extension, and the Soil of Tulbagh was so very Shallow that I do not think it admitted of cultivation.

In the neighbourhood of Church Street there were some Farms ?

Reply. There are some farms in that neighbourhood, but between them and Church Street there are ranges of dry Sand Hills which in Winter admit of Cattle to browse, but in Summer afford no pasturage whatever.

What is the nature of the soil in the neighbourhood of Church Street ?

Reply. There is a small valley not exceeding 100 yards in breadth in which are situated the gardens of Church Street, containing some fine alluvial Soil, but the Hills immediately adjoining consist of Slaty Rocks, not admitting of any cultivation.

Is the wheat produced in the neighbourhood of Church Street of a good quality ?

Reply. It is of a very good quality, but the return is very scanty, not exceeding 10 for one, and sometimes considerably less.

Are you aware from any documents in the Office of the Landdrost, that the expences incurred in the Public Buildings at Tulbagh were defrayed by the Inhabitants of the District ?

Reply. Not to my knowledge. No such documents have been in my office, but it is possible they may be in the Office of the Secretary. I have understood from Col. Bird, that the expence for constructing the Drostdy House was defrayed entirely from the Colonial Treasury. The improvements that have been made since have I believe been made at the expence of the District.

Have those improvements been considerable ?

Reply. The only one I am aware of was the construction of a Garden wall around a Garden that was from its nature incapable of being made into a garden, there being in no part of it, to my knowledge, a greater depth of Soil than 5 or six inches, and in many places less.

Do you conceive that the Drostdy House and Buildings attached to it were well built and likely to stand long ?

Reply. Certainly they were not. The Buildings attached to the Drostdy House were composed of the Soil of the Place, so also was the Tronk, which was besides very inconvenient and improperly constructed for such a Building. Whenever there was any bad weather, and that the Prisoners thought that the Constables were not on the alert, they invariably attempted to perforate the Walls, and soon after my appointment to the Drostdy they nearly effected their purpose by making a hole in one of the upper Walls. The Drostdy House was built of Brick, plaistered with Lime, but generally not of

good quality. The Windows and greatest part of the Woodwork were absolutely rotten, and there was not a Door in the House that would shut. Part of the roof of the House was flat, and the woodwork that composed it was completely rotten.

Was the Situation of the Drostdy inconvenient with respect to the District, or with respect to Church Street ?

Reply. The Situation of the Drostdy was more central than that of Worcester, but generally inconvenient in other respects.

What was the condition of the Buildings and Offices attached to the Drostdy ?

Reply. The Secretary's, Messenger's, Sheriff's house and Prison required rebuilding. The outbuildings which belonged to the House itself, which were composed of the same materials as the Tronk, either required rebuilding or constant expensive repair.

Were the House and Buildings much affected by the late Storms in July 1822 ?

Reply. Yes, they were. The House was in danger of coming down, especially at the North-East, and which I was obliged entirely to abandon, and to prevent its falling had props put up to support the Gable ends.

Was any Survey or Inspection made of the Buildings after the Storm ?

Reply. An inspection was made by an able Carpenter, now in my employ. His name is Richard Millington, and I also pointed out the general state of the Building to the Government Inspector of Buildings, Mr. Jones, when he was upon his Journey to Worcester.

Did you receive any authority, and what, from the Governor to proceed to the sale of the Buildings at Tulbagh ?

Reply. I did in consequence of a representation made to the Governor by the Landdrost and Heemraden.

What period was given for advertizing the Sale before it actually took place ?

Reply. It was advertized three times in the *Courant*, and afterwards some time took place previous to the Sale.

Were you present at the Sale ?

Reply. I was, together with two Heemraden appointed by the Board for that purpose.

Did many Bidders appear at the Sale ?

Reply. Not many.

Was any Land attached to the Houses and Buildings ?

Reply. About 800 Morgen, which was afterwards made up to 1100 from some Government Land in the Vicinity. Other Lands that had formerly been attached to the Drostdy, including a supply of Water, had been alienated during the period in which Mr. P. Theron was acting Landdrost.

Was the Land retained of a good quality ?

Reply. By no means. Very indifferent.

Was any condition made known at the time of Sale limiting the delivery of possession of the premises or any part of them to the Purchaser ?

Reply. There was. It was explained both in the Dutch and English Languages that possession could not be given of the Secretary's house and the prison till the Secretary and the prisoners could be removed to Worcester.

Have you understood that the Purchaser of the Buildings at Tulbagh has made an advantageous disposal since of a part of the purchase ?

Reply. Yes. I have been informed that he has sold the prison, the Sheriff's House, and part of the Farm for the price of 18,000 Guilders, but I am doubtful of this purchaser ever being able to fulfil his agreement. He sold part of the Ground near the water with a proportion of the water.

Have you heard of any Subscription or Tender of a Subscription by the inhabitants of Tulbagh for the repair of the Buildings, if the Drostdy were retained there ?

Reply. I heard it reported that such a thing was in Agitation, but I do not recollect that it was expressed in the Copy of the Memorial of the Inhabitants that was transmitted to me.

Will the situation of Worcester derive any advantage from the Road that is now making through the French Hoek ?

Reply. It will, the direct and nearest Road from Cape Town by the French Hoek to Graaff Reynet, Beaufort &c., does pass immediately through the Town of Worcester. If the pass through Du Toits Kloof were made, the Road to Cape Town from Worcester would be more direct by about a distance of three hours on horseback.

Will the Inhabitants of the Roggeveld and Bokkeveld be able to pass to Cape Town through Worcester ?

Reply. They will from many parts of those districts.

Will the passage from such parts be more direct through Worcester than by the Witzenberg pass ?

Reply. It will.

Do the Public Roads leading to Cape Town pass near to or through Worcester ?

Reply. They all pass through it or so near it that they may with advantage turn through it. The Roads leading to the Eastern District pass through or near Worcester, excepting three that lead through the Pass of Hottentots Holland, and even persons travelling from Swellendam prefer the road by Worcester to that passing by Hottentots Holland.

(Signed) C. TRAPPES.

[Enclosure 2 in the above.]

Evidence given by MR. WILLIAM JONES to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 7th February 1825.

You are Inspector of Government Buildings ?

Reply. I am.

Were you employed in framing a plan and estimate for the erection of a new Drostdy House at Worcester in 1822 ?

Reply. I was.

Be so good as to state what instructions were given to you on that occasion.

Reply. I was in the first instance instructed by Colonel Bird to prepare a plan of a Building from a Sketch furnished to me by the Colonel, and which had been drawn by Captain Trappes the Landdrost. Some time afterwards I was directed to proceed to Worcester for the purpose of inspecting the Ground upon which the House was to be built and of framing an estimate of the probable cost of materials and expences of labour.

I observe that the Estimate given in by you to Government amounted to Rds. 68,000 for the Magistrate's House, did this comprehend the whole of the Building originally planned by Captain Trappes ?

Reply. The sum of Rds. 68,000 was the estimated charge for the whole Building upon Captain Trappes' plan. Colonel Bird informed me in the presence of Captain Trappes that the Governor approved of the plan, but objected to the extent of the Building, which he wished for the present to be curtailed, alleging that it would involve more expence than was at that time convenient. It was stated to me by Colonel Bird to be the Governor's wish to dispense with the wings of the Building and by preserving the plan to admit of these being erected at a future time if required. On the practicability of this I was consulted. Captain Trappes observed that there need be no apprehension about the plan, as the District would be well enough able to bear the expence of it, and Colonel Bird replied that he did not doubt that the Governor would be very well disposed to sanction the expence if the District would bear it and that it did not fall on the Colonial Government.

What did you understand to have been finally resolved on ?

Reply. I was not informed of the resolution that was adopted, but when Captain Trappes came to Cape Town after the work had commenced, he informed me that the Building was then erecting on the original Plan.

Have you a Copy of the Plan and Estimate that were furnished by you, and did you make an Estimate upon the reductions proposed by the Governor ?

Reply. The Plan and Estimate were delivered to the Colonial Office, but I did not retain copies of them, nor was I required to furnish any reduced Estimate or to make any alteration in the original one.

Look at the accounts before you, and explain in what articles the expense of the building at Worcester has so considerably exceeded your Estimate.

Reply. The Yellow Wood from Barnard would appear to have been furnished from Cape Town by that Merchant, and according to the calculation upon which I framed my Estimate at Worcester. The Timber from the George District could be delivered at Worcester at the market price of Cape Town. I do not observe in the account some charges that have recently been submitted for my Certificate by Mr. Hemming the Superintendant, and to part of which I objected. These charges were for Iron Balconies, the charge for which was

exorbitant, and there were other charges for zinc lining of gutters and for water pipes ; none of those articles had been included in my estimate, nor did I conceive that they would be required. The Charge of 5 Rds. per day to Mr. Hemming was not included in my Estimate, as Captain Trappes informed me that he had a very intelligent man named Millington, a Carpenter, who was competent to the undertaking and of whom I formed a high opinion from a conversation I had with him at Tulbagh, and from some Specimens of his work. Captain Trappes consulted me about the wages of this man, and I agreed that 4 Rds. per day would not be too much for his trouble in the Superintendence, considering that he was also a working man. I observe his name in the Pay Lists for this Sum. The Statement not being accompanied with the Tradesmen's Bills, I am unable to explain further in what respects the disbursements have deviated from my Estimate.

You examined the old Drostdy House at Tulbagh ?

Reply. I was only at Tulbagh for a few hours, when I examined the Building, but I did not regularly inspect it.

Are you of Opinion that many of the Materials would have been applicable to the new Buildings ?

Reply. From the slight examination I made of the Building I conceive that much of the Materials might have been converted to use at Worcester, especially of the Beams, which were of considerable size and apparently sound.

Be so good as to look at the report on the present state of the Buildings, and state whether there is any apparent deviation from your plan in the description of the various parts of the Building.

Reply. I observe that a principal Story and a ground floor are mentioned, and in my Plan the ground floor formed the principal Story, under which was intended to have been constructed some Cellars or Stores. The projection of the Thatched Roof would have prevented the necessity of constructing Gutters and Parapet Walls. I provided for the construction of a small garret in the Roof for Servants.

What was the plan of the Offices that were to be erected at the back of the House ?

Reply. It was intended that they should consist of Thatched Roofs, supported by the enclosing wall and by other low walls

of 7 feet high. They were not intended to form any part of the Building which supported them.

Were you employed to prepare any Plan or Estimate of the other Buildings to be erected at Worcester ?

Reply. I was never consulted about it nor was I required to prepare any plan or estimate for them. The Situations were pointed out to me by Captain Trappes where they were to be erected.

(Signed) WM. JONES.

February 9th.

Mr. Jones explains that the Letter addressed by him to Colonel Bird on the 24th September 1822, stating that the result of his Calculations for the Building of the Drostdy at Worcester would amount to 68,000 Rds., was written before he gave in the Estimate for the Building, and that he gave the Estimate to Captain Trappes, with the plans. In all his interviews with Captain Trappes at the Colonial Office, Colonel Bird was present, and it was on such an occasion that he gave the Estimate to Captain Trappes.

(Signed) WM. JONES.

[Enclosure 3 in the above.]

*Evidence given by MR. SAMUEL HEMMING to the
COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, 8th February 1825.

You are one of the surveyors to the District of Worcester ?
Reply. I am.

Have you not been in the Superintendence of the Government Buildings that are erecting at Worcester ?

Reply. I superintended the Enclosing of the Landdrost's House at Worcester from the Commencement of the work in February 1823 to the End of November 1824.

Did you receive a regular appointment for the performance of this Duty ?

Reply. I was appointed by the Landdrost on the approval of the Governor.

Did you execute the work in conformity to any plan and Estimate that were furnished to you ?

Reply. I executed the work in conformity to a plan which was furnished to me by the Landdrost, it was drawn by Mr. Jones, the Inspector of Buildings. In the course of the work other plans were furnished with alterations from the original one, and Captain Trappes personally directed certain deviations from the plan. There was a sketch of the Elevation not attached to the plan, and which did not appear to have been intended as a guide for the work. I never was furnished with any Estimate, but I saw it stated in a letter to Captain Trappes that 68,000 Rds. was the amount for which the Building was expected to be completed.

Did you receive any Specification by which you were to be guided in the dimensions of the Work ?

Reply. The only particulars of that kind furnished to me were contained in a memorandum from Mr. Jones, of the Scantling of the Timbers to be used in the Roofing and Flooring.

Are you aware whether Captain Trappes was in possession of Mr. Jones's Estimate or of any Specification ?

Reply. I have often asked Captain Trappes for an Estimate, but have as frequently been told that he did not possess one. I do not believe that he had any Specification. The dimensions were laid down in the Ground plan, but no dimensions were fixed for the doors and windows.

To what do you attribute that the Expenditure upon this Building should already have so considerably exceeded the Sum Estimated for it ?

Reply. From the want of Specification and a detailed Estimate I was unable to ascertain in what manner the work was to be executed. The building on its present plan could never have been erected for the estimated Sum of Rds. 68,000. The height of the ground floor, and even of the whole Building, was not specified, nor the dimensions of the doors and windows, their Size as well as the Mode of fitting them up, and of furnishing the Building must make the expence of the Work indefinite and might materially encrease it.

Did Captain Trappes give you any directions respecting the dimensions of the Doors and Windows, and as to the manner of fitting up the apartments ?

Reply. Captain Trappes gave some directions, and left it occasionally to my own judgement to regulate the dimensions,

which of the principal windows in front were 11 feet high by $4\frac{1}{2}$ feet wide. The windows in front were to be fitted with linings and boxes, but not those of the wings.

Are you aware whether it was intended originally to execute only a part of the Building, according to the plan furnished ?

Reply. I am not aware that it was. It was commenced upon the original plan, and with Instructions to complete it.

Was any specific authority obtained for the purchase of Iron Balconies and metal Gutters ?

Reply. Not that I am aware of.

Do you recollect whether any yellow wood timber was brought from Cape Town, and why ?

None was received by me from Cape Town. It was all purchased by Contract in the George District. Deals we received from Cape Town.

From the report made by you in November 1824 of the state of the Buildings at Worcester, what do you conceive may be the further expence required to complete the Landdrost's House ?

Reply. Upon the present plan I should conceive that 20,000 Rds. would be required to complete the Buildings.

What part of the Accounts were kept by you ?

Reply. I kept the accounts for the Workmen, and made some inconsiderable purchases of materials for the buildings.

In what manner were the principal materials supplied ?

Reply. They were contracted for by the Landdrost. The Bricks and Stones were supplied on Public Tender. The wood was obtained by Agreement made with wood cutters by the Landdrost of George. The various articles furnished by Tradesmen in Cape Town were purchased from them by the Landdrost, but not upon Public Tender.

Were you furnished with any plan or Estimate for the other Government Buildings at Worcester, especially of the Prison and the House for the Secretary of the District ?

Reply. I received a plan both for the Secretary's House and for the Prison, but no Estimate. There was no scale in the plan of the Prison.

What do you generally conceive will be the Sum necessary for the completion of those Buildings ?

Reply. I should conceive that the prison upon the plan

proposed would cost not less than 40,000 Rds., and the Secretary's house and Offices about 22,000 Rds. or 23,000 Rds. Both these Buildings I believe were intended to have the same Elevation as the Drostdy.

Has any plan been made for a Church and Parsonage at Worcester?

Reply. Plans of both were made by myself and by Mr. Meyring the other Government Surveyor at Worcester, and these were sent by Captain Trappes to Government about nine or Ten Months ago.

What was the occasion of your relinquishing the Superintendence of the public works at Worcester?

Reply. Captain Trappes mentioned to me that the buildings were so far advanced that he was enabled to attend to their Superintendence himself by his Office being removed to them. And he also observed that the State of the Funds did not admit of the continuance of the Charge for my Superintendence.

(Signed) SAMUEL HEMMING.

9th March 1825.

Are you acquainted with the Conditions upon which Erven have been sold in the Township of Worcester?

Reply. I am the proprietor by purchase of two Erven in the Township of Worcester, and the Condition of the purchase I believe to have been that each Erf should be enclosed with a proper Wall or Hedge and also that a House should be erected on it, in the Alignment of the Street, within the first Two years after the original purchase, the dimensions of the House being 30 ft. by 15 ft.

Have these conditions been generally observed by the purchasers of the Erven?

Reply. They have not. About Eleven or twelve of the Erven have been built upon and enclosed, most of the others have been entirely neglected. Some of them have been ploughed and cultivated with grain.

What is the extent of the grazing ground attached?

Reply. I am not aware of the extent of the Land appropriated for the Outspan, but it is not good Pasture Land.

Is the water conveniently conducted for distribution through the Town?

Reply. It is led out from the Hex River at a distance of nearly four miles from the Town, and passes in the first instance through the Landdrost's farm of the Roode Wal. The Dam being ill constructed is frequently broken down in the Rainy Season, and the Town is without water till it is repaired.

(Signed) SAMUEL HEMMING.

[Enclosure 4 in the above.]

Evidence given by LIEUTENANT COLONEL BIRD *to the*
COMMISSIONERS OF ENQUIRY.

9th February 1825.

After the determination was taken in the month of November of the year 1822 to remove the Seat of Chief Magistracy from Tulbagh to Worcester, of what description were the Buildings that it was considered necessary to erect there, and which appear to have been described as "the usual Buildings for a Drostdy?"

Reply. I am not sure that there was any specification made of what Buildings were considered necessary at the New Drostdy; but by Drostdy Buildings, I conceive in Colonial acceptation are meant: A Residence for the Magistrate (Landdrost); a Court House; Public Offices for Landdrost, Secretary, District Clerk &c.; a House for the Secretary; a House for the District Clerk; a Gaol with the Buildings usually attached thereto.

2. Do you recollect the conversation alluded to by Mr. Jones, the Inspector of Public Buildings, in his 2nd and 3rd Answers contained in the enclosed Extract respecting the Plan submitted by you to His Excellency Lord Charles Somerset of the Landdrost's House at Worcester? and if so state the particulars and whether the account given of it by Mr. Jones is correct?

Reply. I remember that W. O. Jones was employed to make a Plan of a Residence for the Magistrate at Worcester, and he furnished me with an Estimate. I have reason to believe that His Excellency the Governor saw this plan before I did, as W. O. Jones was in frequent communication with His Excellency at that period. I remember the Landdrost attending at my Office on the subject of the plan, which it had occurred

to me was upon a very large Scale. I remember asking W. O. Jones whether it could not be reduced. I do not recollect the particulars of the conversation ; it is probable that I made the remark relative to the expenses being borne by the District, it having been my uniform opinion that the Districts should in all cases bear their own charges. The Landdrost communicated personally with the Governor on the subject of these buildings.

3. Did His Excellency intimate to you an opinion that the Building of the Wings of the Drostdy House should be deferred in consideration of the pressure it would occasion upon the funds of Individuals, and of the heavy calamities that had just befallen the District ?

Reply. I have no recollection that His Excellency Lord C. Somerset intimated to me an opinion that the wings should be dispensed with in consideration of the pressure it would occasion upon the funds of Individuals, and of the heavy calamities that had just befallen the District. I do remember His Excellency concurring in an observation I made as to the extent of the Plan, and his desiring me to see the Landdrost and W. O. Jones on the subject.

4. Did His Excellency intimate to you his concurrence in the proposed expenditure, provided that the District could bear it, and that it did not fall on the Colonial Government ?

Reply. I have no hesitation in answering this question in the affirmative.

5. Were you aware at the time that the calculation of the District Funds made by the Landdrost and Heemraden was under the consideration of the Colonial Government, that the two last Items of that calculation (B) consisting of the proceeds of the Sale of Erven in the Village of Worcester and estimated to produce 77,952 Guilders, and 60,000 Guilders had already been specifically pledged for the reimbursement to the Bank of Advances made by it for the purchase of the " Roode Draay " Lands in which the said Erven were situated ?

Reply. I cannot but be aware of the circumstances of the pledge of the District to repay the original Cost of the Farms purchased for the Site of the intended Town of Worcester ; His Excellency was no less so, as he not only sanctioned but directed that measure. It will be evident from my brief remark in the Schedule No. 52, upon the letter of the Landdrost

and Heemraden of Worcester transmitting their estimate for covering the expence of the new Buildings, that I considered their plan for meeting the expenditure nothing worth.

6. Upon what ground was it that the annual Surplus of the District Revenues was estimated at 10,000 Rixdollars for three successive years, and was it adopted by the Colonial Government upon the Statement of the Landdrost and Heemraden of Worcester alone ?

Reply. If my memory serves me, the surplus was calculated to arise chiefly from an additional Tax on Slaves ; but I am not aware that there was any inquiry into it beyond the Estimate which the Landdrost and Heemraden transmitted.

7. Did the Landdrost of Worcester ever make any communication to you, or did you to the Governor, of the contingent nature of the Balance that was handed over to him on the 30th April 1822, by his predecessor Mr. Fischer, from which it appears that the Sum of 6,982 Dollars had been received by the District Treasury in Bonds from Individuals incapable from their poverty of paying their Opgaaf ; and that the efficient Balance in the Chest at the above period amounted only to 787 Rds. 4 sks. 4 sts. ?

Reply. If the Landdrost of Worcester made any communication to me on the subject of this Query, it will be found in the Colonial Office and must have been on the Schedule. I do not however recollect his having done so ; neither is it in my recollection ever to have seen the account now transmitted to me.

8. What was the tenor of the observation and decision of His Excellency Lord Charles Somerset upon the Letter of the Landdrost and Heemraden of Worcester to which the annexed Extract seems to refer, as no record of it appears to have been entered in the Schedule ? Did His Lordship give you any verbal Instructions upon the subject, and what were they ?

Reply. I am not quite clear upon this point. If there is any instruction or order given to the Landdrost and Heemraden of Worcester in answer to their letter in the records of the Office, that will shew what His Excellency's decision was. I had at the above period little communication with His Excellency the Right Honorable Lord Charles Henry Somerset, and particularly little on the subject of the Worcester District. His Excel-

lency was in a state of great irritation at that time ; he was moreover much offended at a minute I had drawn up in reply to a query put to me by himself respecting changing the name of the district. I had pointed out the inconveniences which frequently arise from giving new names to old Localities. I had also presumed to observe that obliterating the name of Tulbagh would unnecessarily wound the feelings of the Dutch, to whom the memory of that beneficent Governor and excellent moral character was naturally deservedly dear. But as this interfered with His Excellency's project of creating a Worcester Outre Mer, I found it had been very offensive, and therefore Worcester was spoken of as little as possible. Besides His Excellency's worthy friend (W—n's correspondent) advised me at that time to refrain from giving opinions to His Excellency, but to leave all points to his own judgment without comment.

(Signed) C. BIRD.

[Enclosure 5 in the above.]

*Evidence given to the Commissioners of Enquiry by the
Director of the Bank.*

CAPE TOWN, 4th March 1825.

G. H. Maasdorp, Esqre., Director of the Bank, examined.

Were you in the Direction of the Bank in the Year 1822 when the Loans were made to the distressed Farmers who had suffered from the failure of their Crops ?

Reply. I was.

Can you explain the reason that so large a portion of the fund was distributed in the Cape and Stellenbosch Districts, and so little of it in the other Districts ?

Reply. I remember that when we examined the applications for relief, that a million of Rix Dollars would not have satisfied the Applicants, and that to have divided the sum of 200,000 Rds. amongst them would have rendered very little service to individuals. Mr. Stoll, the Acting President, and myself accordingly selected from them such as could afford the best security and who had suffered the greatest losses. A list was submitted for the approval of the Government, and the advances thereupon made.

What enquiries were pursued in order to ascertain the extent of Losses sustained by Individuals who obtained advances from the Agricultural fund ?

Reply. We depended upon the Reports of the Landdrosts of the respective Districts.

Were any Orders given by Government for Advances to Individuals not included in the List prepared by the Bank ?

Reply. Mr. Shaw received 2500 Rds. by order of Government, and P. Wagener an Inhabitant of Cape Town. I do not perceive the names of any others.

Was the Security taken for the advances made from the Agricultural fund in all cases ample ?

Reply. The Security was considered ample at the time it was taken, but some Bankruptcies that have since occurred have occasioned the recovery of the advances to depend on the Sequestrator. In the instance of Mr. K. Peters, whose property sold much below its value, and in that of Mr. Eager, who sustained loss as his Security. Repayment has been made by Mr. Bergh of 5000 Rixdollars on the sale of his Place, which was mortgaged, and 4000 Rixdollars of the advance to Mr. Proctor was transferred with his estate on which it was mortgaged to Mr. Van Reenen ; the Security on the remaining part of the advance was taken upon another Farm of Mr. Proctor's.

Are you aware whether the Inhabitants of Tulbagh and Swellendam received any other assistance than that which was advanced to a few individuals from the Agricultural fund ?

Reply. I am not aware that they did, but I have heard that a Sum of 30,000 Rixdollars that was remitted to the Landdrost and Heemraden of Tulbagh for relief of the Inhabitants after the Storms was returned to Government.

From the terms of the Memorials received from Individual Inhabitants of Tulbagh and Swellendam, are you aware whether they had materially suffered from the destruction of their Corn Crops, and afterwards from the Storms of July 1822 ?

Reply. I am not aware that they suffered considerably. The losses from the failure of their Crops would be more felt by the people of Swellendam, as they are in general much poorer than those of Tulbagh.

Have any Sums been paid to the Bank on account of Principal or Interest of the Advances made ?

Reply. Interest for one year at 6 per cent per annum has been paid by the Landdrost for the advances made in the Cape and Stellenbosch Districts through the Boards of Landdrost and Heemraden and of the advances made from the Agricultural fund. We have received payment of Interest for Two Years at 6 per cent. The first Instalment of the Principal advanced by the Bank is now due.

Are these sums held in deposit by the Bank ?

Reply. They are.

(Signed) G. H. MAASDORP.

[Enclosure 6 in the above.]

Evidence given by MR. D. J. KUYLS to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 8th March 1825.

You were Secretary to the District of Tulbagh in the year 1822 ?

Reply. I was.

How long had you filled the situation ?

Reply. About eight years.

At what time was it in that year that Captain Trappes relieved Mr. Fischer as Landdrost of the District ?

Reply. I cannot recollect, but rather think it was in the beginning of the year 1822.

Were the Drostdy House and other public Buildings at Tulbagh much out of repair at that time ?

Reply. I do not think that the drostdy house was. The Secretary's and the Messenger's houses were in a very bad state. The Jail was a very good building and in good repair, but the house of the under Sheriff was out of Repair.

Was the defective state of the public Buildings brought before the Board of Landdrost and Heemraden by Captain Trappes soon after his appointment ?

Reply. As far as I can remember Captain Trappes arrived to take charge of the Drostdy about the latter end of February or the beginning of March 1822, and according to the letter of the Board dated the 2nd April, it would appear that the subject had been under its consideration at that time.

Do you recollect whether any discussion took place at the

Board when the subject was again brought by them under the Consideration of Government in the Month of July 1822 ?

Reply. I am not aware that any discussion at the Board did take place at that time. I believe that the Heemraden concurred in the request that a competent person should be sent up to inspect the Buildings.

Look at the accompanying Letter addressed by Captain Trappes to the Secretary of Government on the 26th July 1822, and state whether you recollect to have seen it before, or whether it was subsequently laid before the Board.

Reply. I do not recollect to have seen the Letter, nor can I state whether it was laid before the Board.

Do you recollect to have seen or examined the Buildings after the Storms which occurred in July 1822, and did it appear to you that they were either totally destroyed or unfit for habitation ?

Reply. I examined the Buildings cursorily after the storm and saw that some had suffered materially, in particular the House of the Under Sheriff and one of the Gables of the jail ; I cannot say that any of them were totally destroyed. The House of the Under Sheriff had suffered most, and might at that time be said to be uninhabitable. The Drostdy House must have suffered much injury, but I cannot state that it was uninhabitable.

Do you recollect whether any proposal was made to the Board and entertained by it, for repairing the Old buildings after the Storm ?

Reply. I cannot recollect, with respect to any other buildings than the Prison, which was repaired.

Do you remember whether any materials were collected with the Object of repairing the Drostdy ?

Reply. I do not recollect.

Were you present at the Meeting of the Board on the 7th October 1822, when the Landdrost submitted an estimate of the sums that would be applicable to the erection of new Buildings at Worcester ?

Reply. I was.

Did the Heemraden at that, or at any other previous meeting of the Board, express any objection to the removal of the Magistracy from Tulbagh ?

Reply. Not that I can recollect.

Do you remember whether they expressed any Approval of or concurrence in the measure ?

Reply. I do not recollect that they did.

Did you at that time ever hear any of them individually express their dissatisfaction at the removal of the Drostdy ?

Reply. I recollect several persons expressing to me at that time regret at the removal of the Drostdy, but whether any of the Heemraden were of that number I cannot positively say.

In the resolution passed on the 7th of October approving of the Estimate submitted by the Landdrost, did the Heemraden unanimously concur ?

Reply. I cannot recollect whether any of them made objections to it.

Was the anticipation of an annual Surplus of 5,000 Rds. from the district revenues in addition to 5,000 (the produce of the Tax proposed upon Slaves) the result of any Examination or Calculation made at the Board ?

Reply. I believe it was merely a supposition that such a Surplus might arise.

When did you resign your Situation of Secretary to the District of Tulbagh ?

Reply. I tendered my resignation in June 1823, and left the District shortly afterwards.

Were you present at the Collection of the Opgaaf in March or April 1823 ?

Reply. I was.

Do you remember whether the Inhabitants complained of the Encrease of the Taxes that year ?

Reply. I do not recollect any formal complaint being made by them to the Landdrost or to the Board. Individuals may have remarked that the Taxes were heavier than usual, but it rarely happens in any year that complaints are not made by some of the Inhabitants of the Severity of the Taxes.

Do you recollect an Offer being made by any of the Inhabitants of Tulbagh to repair the Old Drostdy Buildings at their own Expence, or to erect a new Drostdy in the village ?

Reply. I have no recollection of it.

Did you understand that they had made such an Offer to Government ?

Reply. I heard so.

Look at the Extract from the District Accounts for 1823 and state whether the Inhabitants of Clan William were assessed for the Slave Tax pursuant to any resolution of the Board of Landdrost and Heemraden.

Reply. It was upon the Authority of Government that the Tax was to be levied on the Inhabitants of the District at large.

In what manner was it customary to defray the Expences of Repairs to the Public Buildings at Clanwilliam ?

Reply. They were defrayed out of the District Chest ?

After the Storm that occurred in July 1822, were reports made to the Landdrost of many Losses sustained by Individuals from the injury done to their property ?

Reply. By the Field Cornets there were.

Were the Reports of the Field Cornets sent to Government ?

Reply. I do not recollect.

Do you recollect the advance of 30,000 Rds. being made to the District in August 1822 for the relief of Individual Sufferers from the Storms ?

Reply. I do.

Can you state the reason that no applications were made to the Board of Landdrost and Heemraden for advances from that fund ?

Reply. I cannot fully account for the Inhabitants of Tulbagh not having availed themselves of the relief tendered by Government. Circular Letters were I believe sent to the Field Cornets to inform the Inhabitants, and when any of them came to the Drostdy the terms were explained to them upon which the advances would be made, but no applications were received. As the Inhabitants of Tulbagh are in the habit of erecting and repairing their own buildings with the assistance of the people in their Service, they might feel the less disposed to take up money upon Interest for that purpose.

In the reports of the Field Cornets, did it appear that much injury had been occasioned to the property of the Inhabitants from the effects of the Storm ?

Reply. The Losses were estimated by the Field Cornets, but I do not recollect whether the general amount was considerable.

(Signed) D. J. KUYLS.

Cape Town, 22nd March 1825.

Mr. D. J. Kuys re-examined.

Was the proposal for removing the Seat of Magistracy from Tulbagh to Worcester at any time submitted by the Landdrost to the Board of Heemraden, and was any resolution adopted by them for or against the measure ?

Reply. The expediency or in expediency of the removal of the Seat of Magistracy from Tulbagh to Worcester was never to my recollection brought before the Board of Landdrost and Heemraden.

(Signed) D. J. KUYS.

[Enclosure 7 in the above.]

*Evidence given by CHARLES TRAPPES, ESQRE., to the
COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, 6th April 1825.

Will you be so good as to state in what forwardness the Buildings of the Drostdy at Worcester at present are ?

Reply. The windows are in, and the flooring and plaistering are nearly complete. I expect the Drostdy will be habitable about the end of July.

What may be the amount of expenses incurred on the Building since the transmission of the accounts dated in November 1824 ?

Reply. According to the accounts that were made up to the end of February last, the whole sum expended on the Buildings amounted to about eighty seven thousand Dollars, but some further trifling disbursements have subsequently been made.

What do you conceive will be the whole expense incurred in the erection of the Drostdy House and Offices ?

Reply. I am not competent to form a precise opinion upon this Subject, but it appears to me that the whole expense of these buildings will amount to about 80,000 Rds.

Are there many materials that have been purchased, which will be applicable to the other Public Buildings to be erected ?

Reply. The foundation of the Prison has already been completed from the materials already purchased, and the labor has also been charged for in the account that has been rendered. I think there is wood enough to complete the Prison and the Secretary's house, and the Scaffolding which may be worth 1500 Rds. will be applicable to the other Buildings.

Has the Jail and the other Buildings been undertaken upon any plan and estimate that have ever been furnished to you ?

Reply. I sent a plan of the Jail to Government for approval, and an alteration was made, upon which another plan was transmitted to me but not accompanied with any estimate.

What provision has been made for the Court and Public Offices at the Drostdy ?

Reply. When the Drostdy was building the basement story of it was raised a little higher than was intended in the original plan, in order to admit of its appropriation as a Court Room and public offices for the Landdrost, District Secretary, and District Clerk. I have already established my Office in the Building.

When the removal of the Drostdy from Tulbagh to Worcester was under the consideration of the Government, do you remember a proposition made by the Governor and by Colonel Bird for postponing the erection of a part of the Drostdy house according to the plan prepared ?

Reply. I do. It was mentioned to me by Colonel Bird in his Office, who had first seen the Governor, and it was afterwards mentioned to me by His Excellency himself. I remarked on both occasions that building by piecemeal had usually the effect of spoiling the original plan.

Was any communication made to you of the intention of the Government to postpone the completion of the plan pursuant to that proposal ?

Reply. I do not recollect having had any further communication with the Governor or with Colonel Bird on that subject subsequent to the conversation above mentioned. No such intimation was transmitted to me.

At the period when the estimate of the resources of the District was framed with a view to provide for these expenses, were you aware that the receipts for the sale of building allot-

ments at Worcester had been already pledged to the Bank for an advance of 140,000 Guilders for the purchase of the Lands of the Village and the Sub Drostdy ?

Reply. I was not aware of the fact.

Was it any time explained by you to the Government or to Colonel Bird that the District would be able to bear the expenses of the new Establishment ?

Reply. I never made any observation of the kind either to the Governor or to Colonel Bird. I remember when the proposal was made of deferring the erection of the wings of the House, that the Governor and Colonel Bird enquired where the necessary Funds could be procured. I replied that I was unable to say from whence they could be obtained.

Do you recollect whether in the consultations in the Board of Landdrost and Heemraden at Tulbagh any objection was urged by any of the Heemraden to the removal of the Drostdy to Worcester, or did any of them express to you the objections entertained by them or the other Inhabitants of the District to that Measure ?

Reply. I do not recollect that any such objections were urged by any of the Heemraden either for themselves or the other Inhabitants of the District.

Was any proposal upon the Subject of the removal of the Drostdy formally submitted to the Board of Heemraden ?

Reply. No proposal of the kind was made to my knowledge to the Board of Heemraden.

You remember having received a sum of money from the Government to relieve the Inhabitants who had suffered from the effects of the storms in July 1822 ?

Reply. I do. I was directed by the Government to repair to Cape Town after the storms in July 1822 to consult in conjunction with the Landdrosts of the Cape and Stellenbosch Districts upon the mode of applying the relief afforded by Government to the Inhabitants. Thirty thousand Dollars were proposed to be distributed in the Tulbagh District, and I was supplied with 10,000 Rds. to be applied to their immediate relief. On my return to Tulbagh I communicated to the Board of Heemraden the result of my journey to Cape Town, and it was then determined that a Commission of the Board should assemble weekly to receive applications for relief, and

to explain to the applicants the conditions upon which the loans would be granted. Altho' some applications for loans were received, the parties declined to accept them upon the proposed Terms, alleging that they would have accepted them had they been tendered upon the conditions of the Loans made by the Batavian Government to the Inhabitants of Stellenbosch when the Town was destroyed by fire, which they were aware did not bear Interest. As the Inhabitants continued to decline taking the Loans on the terms offered, the money was remitted back to Government.

Was much damage done by the Storms of July 1822 to the property of the Inhabitants of the District at large ?

Reply. Considerable damage was done to Buildings in general, and many of the Inhabitants suffered severely from the loss of Stock in Sheep and Cattle.

Were they generally in circumstances to enable them to repair their Buildings without assistance ?

Reply. Many repaired their Buildings by means of their Slaves and without assistance, and others made temporary arrangements.

Who is at present in the Superintendence of the Public Buildings erecting at Worcester ?

Reply. I consider that the superintendence of a professional person is no longer necessary for the completion of the Drostdy House, and myself and Clerk are in the habit of giving to the workmen such orders as appear necessary, the Foreman of the Carpenters named Millington being capable of conducting that part of the work that is now going forward.

Are you aware whether it is intended to provide for any professional superintendence in the erection of the Jail and the other Buildings ?

Reply. The Jail and other buildings are not at present in progress. It will be quite impossible for me to pay the attention that would be required to the execution of the work.

Do you consider that Mr. Hemming is capable of superintending the erection of those works ?

Reply. I consider him to be fully competent to the superintendence.

(Signed) C. TRAPPES.

[Enclosure 8 in the above.]

*Evidence given to the Commissioners of Enquiry by the
Landdrost of Swellendam.*

CAPE TOWN, 20th April 1825.

Mr. V. A. Schonenberg examined.

You were Landdrost of the Swellendam District in the Years 1821 and 1822 ?

Reply. I was Landdrost of Swellendam from the Year 1819 to the Year 1824 inclusive.

Did the Inhabitants of your District suffer materially from the failure of Wheat Crops in successive years ?

Reply. They did.

Do you consider that they suffered in a greater or less degree than the Inhabitants of the other Districts ?

Reply. I think they suffered in a greater degree, for most of them were obliged by the failure of their Wheat Crops to live entirely upon barley bread. I am not aware that the Inhabitants of other Districts were reduced to the same necessity.

Did not the Rust extend in the same Years to the District of George and others to the Eastward ?

Reply. It did, but then greater facilities of supply from Cape Town by Sea enabled the Inhabitants to import subsistence. The difficulties experienced by the Inhabitants of Swellendam in the Years of Scarcity gave occasion to the opening of a port at the Mouth of the Breede River, which had once been visited by a small Vessel of Mr. Van Reenen, and was known to be practicable.

What Assistance was rendered to the Inhabitants by the Government during the Years of Scarcity ?

Reply. The Government returned the amount levied for Commando Tax in the year 1822, amounting to 7,000 Rix-dollars, with directions to the Landdrost and Heemraden to purchase Seed Wheat for the Farmers and Rice for the subsistence of the indigent Inhabitants. Government also made a present to the District in the same Year of about 200 Muids of Seed Wheat, which if valued at 15 Rds. per Muid would amount to 3000 Rds.

Will you look at the list of Inhabitants who applied to the Bank for advances from the fund deposited in June 1822 for relief of the Agriculturists, and state whether they were generally in circumstances to have afforded Security to the Bank for the Sums they applied for ?

Reply. With exception of two or three individuals I think they were.

From the list of those who received advances from the Bank do you conceive that they had any preferable claim to the others either from the losses they had sustained, or the Security they were enabled to afford ?

Reply. Two or three of the Individuals who have received advances do not appear to me to have had any preferable claim. One of them is an Inhabitant of the Town of Swellendam and is considered to be in better circumstances than most of the Inhabitants of the District, and that he has been enabled to assist others by reason of this circumstance. In the List of Applicants who did not receive relief, I notice the names of about twenty who I know to be Agriculturists and who may be presumed to have shared in the losses occasioned by the general failure of Crops.

Can you explain the circumstance of so large a proportion of the funds being advanced to the Inhabitants of the Cape and Stellenbosch Districts by the Bank, and so inconsiderable a Sum to the Inhabitants of Swellendam ?

Reply. I am unable to explain it.

Did the Storms that occurred in the Month of July 1822 extend to the District of Swellendam, and occasion any considerable damage to the property of the Inhabitants ?

Reply. The Storm did extend partially to the District, but the Damage sustained by the Inhabitants was not very considerable, in consequence of which no reports were transmitted to the Government.

Were any applications made for advances from the Fund created for the relief of the Sufferers ?

Reply. None that I recollect excepting the application that was made in 1824 by an Inhabitant named Fouché.

Was any application made by that Individual to the Landdrost and Heemraden during the preceding years ?

Reply. None that I recollect.

From your report to Government it would appear that you did not conceive that his representations were borne out by the circumstances of his case ?

Reply. This was the opinion of the Heemraden as well as my own.

Was he enabled to afford the Security required to the District for the advance of 2692 Rds. made to him ?

Reply. No, he was not able to afford Security, although I became one of his Sureties with a view of encouraging others to come forward. He has not yet been able to obtain the full Security required to protect the District, and accordingly the Money has remained in the hands of the District Agent, at the time I made over the District to my Successor.

Has Fouché been enabled to subsist his family and to cultivate his lands without the aid of that Advance ?

Reply. Fouché has been indebted to Individuals for occasional assistance in supporting his family, and being himself an indolent man and improvident, it is unlikely that he has made any great exertions. These considerations have weighed with the Board of Landdrost and Heemraden in being scrupulous in requiring Security for the Loan, adverting also to the general responsibility of the Inhabitants should it not be recovered, and the apprehension that it might be so.

Have the Crops in the present year been abundant in Swellendam ?

Reply. They have.

(Signed) V. A. SCHÖNNBERG.

[Copy.]

Note from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT-COLONEL BIRD.

The Commissioners of Inquiry beg to enclose to Lieut.-Col. Bird certain interrogatories (27) relative to the duties of the Secretary to this Government, and request his attention and replies thereto.

CAPE TOWN, 21 April, 1825.

XXI.

I

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas the limited security given by those officers of government appointed to act as commissaries of vendues, or vendue-masters, may, in some instances, not be adequate to cover the eventual loss of individuals, in case of insolvency or failure of any such officer; and whereas the interests of commerce require that no doubt should exist relative to the security of the proceeds of public sales effected through the said officers, I have thought proper to enact and declare, and it is hereby enacted and declared accordingly, that from and after the date of this proclamation, the government of this colony will hold itself responsible for the proceeds of all sales made on account of individuals by the commissaries of vendues or vendue-masters, in the event of the insolvency of such officers, provided such sales have been made according to law, and under the rules and regulations at present existing, or which may hereafter be proclaimed on that head.

And it is hereby enacted and declared, that government will not hold itself responsible for the deficiencies of any commissary of vendues or vendue-masters, unless it be made clearly to appear that the parties who may have effected any sales through the vendue offices have demanded payment of the proceeds of such sales from the commissaries of vendues or vendue-masters, on the amount becoming due, or within three days thereof; and unless, in case of the above-mentioned officers not satisfying such claims, the parties shall have reported their default in writing within five days after the demand shall have been made: the report to be sent to government, if the sale has been made in Cape Town, and to the landdrost of the respective districts, if the sales have taken place in the country: and the several landdrosts are hereby declared to be bound (under their own responsibility for the amount, in case of failure), to transmit every such report to government, in duplicate, by the earliest opportunities.

And it is hereby further enacted and declared, that in the event of any proprietor of moveable property, sold through the government vendue offices, choosing to give to the pur-

chasers thereof any credit in the payment of the same (beyond the time usually allowed for collecting the proceeds previously to the vendue roll becoming due,) such arrangement, and all responsibility attendant thereon, must entirely rest with the parties concerned; and the proprietor, in such case, must sign his receipt to the vendue roll, as if such payment had actually been made, and must also satisfy the commissary of vendues, or the vendue-master, for the government fees on such sale.

And for the greater security of the interests of government, under the responsibility which it has hereby declared and assumed, it is further enacted, that the government shall possess the same privileges and rights over the real and personal property of any commissary of vendues, or vendue-master, who may become insolvent, as it now enjoys in the case of all collectors and administrators of public property; whilst the commissaries of vendues and vendue-masters shall continue in the exercise of the same rights and privileges in regard to individual purchasers, which they have hitherto enjoyed by the laws of the colony.

And in order that all persons may be aware of the existing regulations relative to public sales effected through the commissaries of vendues, or vendue-masters, the heads thereof, with reference to the proclamations and instructions on the subject, are hereunto annexed, for general information.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my hand and seal, at the Cape of Good Hope, this 22nd day of April 1825.

(Signed) C. H. SOMERSET.

Heads of Regulations of Government, relative to Vendue Sales.

1. No public sales are allowed to be made in this colony but through the government vendue offices, with the exception of those effected by the Orphan Chamber and the sequestrator, through their own officers, for the disposal of property administered by their respective establishments.

2. On the sale of immoveable property $2\frac{1}{2}$ per cent is levied on the part of government, and on moveable property 5 per cent, to be deducted from the vendue roll or account.

3. On all moveable property exposed for sale, and bought in by the proprietor, one half of the established dues, or $2\frac{1}{2}$ per cent, is exacted ; and on all immoveable property so exposed for sale, and bought in, where such property may be disposed of by private contract within six weeks after such attempt at public sale, the same duties are exacted as would have been levied had such sale actually taken place through the Vendue Office.

4. On all sales of moveable property, payment must be made to the seller by the government commissary of vendues, or vendue-master, at the expiration of three calendar months, if in Cape Town or Simon's Town (and of four months, if in any of the districts,) from the day of sale ; but the commissary of vendues, or vendue-master, must furnish the seller with the vendue roll (payable at the periods above mentioned,) as soon as the sale is closed, signed by him, and written on a stamp, regulated in value according to the tariff established by government. The stamp to be paid by the seller.

5. On immoveable property, the general terms of payment are one third ready money, one third in twelve months, and the other one third in two years from the date of sale ; but other terms are frequently demanded, and are, of course, explained at the sales. No immoveable property having incumbrances thereon can be put up for sale, in the vendue offices, unless such incumbrances or claims be specified at the time.

6. No commissary of vendues, vendue-master, auctioneer, or any person employed in the government vendue offices, shall appear, personally, as bidders for any property sold in their offices ; nor shall they be allowed, *in any way*, to purchase such property, under severe penalties.

7. No person shall purchase goods in the name, or on account of, the owners thereof, with the view to defraud the public, under very severe penalties.

8. The vendue bills made out for individual purchasers must be upon a stamp, to be regulated by the government tariff ; and the receipt of the commissaries of vendues, or

vendue-masters, for the amount, must be made on the bill itself.

The commissaries of vendues, and vendue-masters, or the vendue clerks acting for them, are allowed to make the following charges, when called upon to attend sales in the country :

1st. In case the parties holding the sales do not choose to send their own waggons (which they always have the option of doing), an allowance for a waggon, according to the distance, at the rate established by government tariff, is to be charged ; as also the established daily allowance for waggon hire (where it is necessary to keep the waggon), during the period the vendue-master or clerk may be detained at such sales.

But where no waggon is actually used, and the vendue-master, or clerk, and auctioneer proceed on horseback, or in any other mode, one half of the above allowance only shall be charged.

2nd. An allowance of five rix-dollars per diem, for maintenance of both vendue-master, or clerk, and auctioneer, during the days they may be detained at the place of sale.

3rd. The usual allowance for stamps, public notification of the sale, and copies of vendue roll.

And no other fee or charge whatsoever is to be made by the vendue-master, clerk, or auctioneer.

[Original.]

Letter from Mr. W. A. HANKEY to R. WILMOT HORTON, ESQRE.

FENCHURCH STREET, 22 April 1825.

DEAR SIR,—It gave me much concern to understand that representations had been made from the Cape to Lord Bathurst that the Revd. Dr. Philip had disregarded the proprieties of the character he sustains in the Colony, by making a statement at an annual meeting of Subscribers to the Fund for the relief of the Distressed Settlers, held in August last, affecting the character of the Landdrost of Albany.

I beg to assure you generally, that nothing could be more opposite to the instructions given by the Directors of the Society to all its agents, than that the slightest disrespect

should be shewn to any public person whomsoever ; and the opinion I have formed of the disposition and character of Dr. Philip leads me to conclude, that it has been by some involuntary error, if he has justly exposed himself to that imputation.

His Lordship will I am sure have the candour to take the statement in which the complaint transmitted to him is founded, in connexion with the whole circumstances of the case.

Should his Lordship not be fully apprized of them, I beg leave to observe that the statement was not made causelessly, but was drawn from Dr. Philip, by the necessity he supposed himself under to oppose, in the manner the most in point, a motion pressed on the meeting by a Gentleman connected with the local administration (affecting the application of the Funds) in his opinion, and that of those with whom he acted, exceedingly injurious to the objects of the charity.

As it regards the justice or injustice of the statement so made (on which his Lordship will consider much to depend) I shall not presume to offer an opinion ; but beg leave to submit to his Lordship's notice two documents received from the Cape, one published by the Colonial Government, containing the charge against Dr. Philip, the other by the Doctor in defence of his veracity and the correctness of his statement, both of which are called in question in the former publications. His Lordship will thus have the means of judging, how far the assertions made by the Doctor at the public meeting, both as to the facts of the case and the accounts connected with it, are sustained by the evidence he has adduced. You will observe that a second part of Dr. Philip's defence is announced,—as soon as a copy of it comes to my hands, I shall forward it for his Lordship's information.

In the meantime, I beg to inclose a copy of a paper recently received by me, containing a series of resolutions intended to be proposed at a public meeting of the Settlers in Albany, in reference to a document contained in the " Authentic Copies of a Correspondence &c." p. 37. I am given to understand that the meeting was not permitted to take place.

I am sure it is quite unnecessary for me to say, that I am no judge of the merits of the case referred to in these conflicting statements, and that I merely transmit the documents for the

purpose of affording his Lordship the best information in my power upon a question, on which his Lordship's favorable opinion of Dr. Philip's character may be presumed materially to turn.

His Lordship may have adverted, in reading the "Correspondence &c." to the seeming backwardness of Dr. Philip in stating the name of his Informant, on the case of the Harden Family: The Doctor states that the only ground of that reluctance was the disinclination avowed by the Individual himself, on being applied to, thereby to expose himself to the displeasure of the Authorities. I am &c.

(Signed) WM. ALERS HANKEY.

P.S.—I beg to observe that I have not yet received from your Office the statements of Dr. Philip and Mr. Greig on the subject of the Press at the Cape of Good Hope, which you directed to be forwarded to me.

[Upon the subject of Dr. Philip's remarks, here referred to, the following report throws some light. It is not annexed to Mr. Hankey's letter, but is found among the documents of the same date.]

Report of the Sub-Committee of the Society for the Relief of Distressed Settlers in South Africa.

The Sub-Committee formed in Albany having brought their investigations to a close, now beg leave to lay before the Committee in Cape Town, an account of their proceedings, some remarks on the condition of the Settlers, together with their opinion as to the best application of the Funds.

The first step taken by the Sub-Committee was to issue to the Heads of Parties the circular, of which a copy is annexed, and from the returns thus procured, they were presented with a general view of the circumstances of the Settlers, sufficient to guide them in the formation of the accompanying general table.

It was, at first, the wish of the Sub-Committee, to convey in a tabular form, a full view of the circumstances and comparative claims of all who have persevered in occupying the

land ; but it was found, that this end could not be satisfactorily attained, without prosecuting an inquiry inconsistent with that regard which is due to the feelings of individuals, and which is inculcated by the Committee. From these considerations, it was deemed expedient to avoid, in the table, all direct reference to the amount of property brought out ; and as to the estimate of losses and expenditure, the statements of individuals, and the returns of Heads of Parties (transmitted herewith) will, it is believed, be sufficiently explanatory.

It was the desire of the Sub-Committee, in rigid compliance with the instructions under which they act, to avoid touching upon any of the causes of the privations and distresses which first excited the sympathy of the Public, and gave rise to the Subscription now about to be distributed ; but it is no less essential to the consistency of their Report, than necessary for the information of the Committee, to depart, in some degree, from this intention, and to offer some explanation with a view to reconcile the anomalous appearances presented by the misfortunes that have visited the Settlers in general, and the present more favourable circumstances of one portion of them.

In this explanation, the Sub-Committee will avoid all allusion to any topic foreign to the objects of the Society, or which their own resolution has precluded them from discussing ; although this forbearance must in a considerable degree diminish the completeness and fidelity of their Report.

It now seems certain, from the evidence before the Sub-Committee, that the facilities offered by this Country, for the extension of new Settlements, were not inferior to those of other Colonies, and, it is only necessary in proof of this assertion, to notice the salubrity and mildness of the climate, which save to the Settler at the outset, many of the expenses elsewhere indispensable, under the heads of substantial habitations and clothing, and the cheapness and facility of procuring and maintaining one or other species of live stock ; placing him at once in a situation, which in other Colonies, is only attained by great outlay, or after long perseverance and privation. On the other hand, the demand for labor, yielding to that in no other Country, offers a ready alternative to such of the labouring classes, as are inclined to leave their land, from any of the

numerous causes of disappointment, which the new Settler must everywhere expect to encounter.

These advantages have been followed by their natural results, and instances will occur in the Table, of persons who emigrated without any property, and were thus exempted from losses which others have sustained, having now possessed themselves of good stocks of cattle, the produce of their labor, while among those of the mechanical professions, improvement has been so general, that very few applications from this class will be found on the list, with the exception of those who continued wholly or in part in the occupation of their land, and thus shared in the general loss.

But it does not detract from those advantages, that they have forced themselves into notice in spite of an accumulation of circumstances, of a contrary tendency ; nor does it follow, because the Settlement does not on a superficial view exhibit the outward marks of distress and want, that both have not pressed upon it with a weight, sufficient to have crushed the growth of any Colony.

Before pointing out how the Settlement has been affected by these circumstances, it may be proper to premise that in the year 1820, about 1000 heads of families, or adult males, were located in Albany, that from the partial returns in the Table, it may be inferred that about 240 continue on the land, about 350 have found employment in the District, 250 in other parts of the Colony, that not above 50 have returned to England, while the deaths in four years, do not in all probability exceed the last number.

When it is remembered that the original number exceeded that, likely to confine themselves within a limited extent, in a Country thinly peopled, and presenting elsewhere a wide field for industry and enterprise, and that all emigrations must, in part consist of persons, but ill qualified for cultivators of land, the dispersion might be easily accounted for, without reference to the unforeseen calamities with which the Settlement has had to contend ; but when these are taken into account, it must form a just subject of surprise, that so many have apparently surmounted the difficulties of their situation, and this can only be accounted for, by the fortitude and perseverance of such of the Emigrants, as were possessed of labor

within their own families, availing themselves of the natural advantages above noticed.

It is well known, that in the first year of the Emigration, commenced a visitation of blight, which though previously almost unknown, then extended itself over the whole Colony. The first efforts of the Settlers, were naturally directed to securing a crop, and all according to their means, by the plough or the spade, cultivated in the first year, from 1 up to 80 or 90 acres : all the wheat sown was totally destroyed, and this not only in the first year, but for the three following seasons, the failure was nearly total.

It is equally notorious, that in June, 1821, and afterwards in a severer degree in October, 1823, heavy and long continued rains produced the most destructive effects. Necessity or inexperience had induced many of the Settlers to cultivate and build upon the confined spots of level ground, on the banks of the scanty periodical streams, running in the beds of the numerous deep ravines which intersect the Settlement. The overflowing of these, in many instances, swept away or destroyed cultivated grounds, gardens, houses, or other property ; while no height of situation secured the houses, crops, and stock, from serious loss by the more direct effect of the rains. It is also well known, that many of the Settlers in the more exposed situations, were plundered of their cattle by the Caffres, and that serious injury has been sustained from the wild animals of the country. Any remark upon the effect of these calamities would be superfluous. The liberality of Government in issuing provisions, for some time removed absolute want ; and afterwards the natural resources of the country, the gradual accumulation of stock, and the dispersion of the greater part of the Emigrants, enabled the rest to persevere in complying with the term of residence required.

These disasters have, however, fallen with different degrees of severity upon the different classes. The immediate distress naturally fell heaviest upon those, who were not possessed of the means of averting it, upon the poorer Settlers ; but the more lasting consequences of the general failures, have evidently fallen to the share of those, who expended their more extensive means in supporting their families and servants through this succession of misfortune.

The relative situation of the three classes, into which the present occupiers of the land naturally divide themselves, may be correctly ascertained from the following extracts of their letters :—

“ I conceive it unnecessary, and indeed it would be unpleasant to me to enter into all the particulars of my losses. I need only say, that I have cultivated as much land as any individual in the district, and that I have reaped no benefit whatever from those exertions. These repeated attempts have exhausted all my funds. From Caffre depredations, and casualties, my loss in stock alone exceeds 2700 Rixdollars. Under these distressing circumstances, I feel myself compelled, however reluctantly, to request I may be allowed a Loan, to enable me to persevere in my endeavours to support a numerous family.”

Another communication to the Sub-Committee, from an individual who states, he has expended upwards of 20,000 Rixdollars :—“ I have at present but two servants ; I had from 10 to 14 persons for the first $3\frac{1}{2}$ years. Had my crops been equal to my expectations, even upon a moderate calculation, they would have more than covered the whole of my expenses. I have reaped about 32 muids of wheat, and the same of barley,—*one-third* of the quantity *sown* in four years. I conceive it impossible to cultivate an acre of land in this Colony, where the price of labor is so very high, for less than 30 Rixdollars, including the seed.”

A third Claimant says :—“ After bringing out servants, and every thing suitable for farming, at a vast expense, and after three years’ hard labor, my capital was so dwindled, as to oblige me to dispose of my stock for the mere means of subsistence ; and since, I have been obliged to sell my Place to meet the heavy demands upon me, occasioned by the very high price of labor, without the least return.” He concludes, “ I have the world to begin again, being at present without either house or home, without the means of procuring them, and with a family to support.”

A fourth individual writes,—“ I brought with me capital enough to have comfortably established myself, had my operations been conducted by experience, derived from a knowledge of the real capabilities of the Country.” After

stating losses from rust, flood, &c., he proceeds—"Thus, after an indefatigable attempt for three years, I have entirely lost my capital, and am precluded from raising myself from my present situation, without assistance. But at the same time that I make this representation, I disdain appealing to charity ; I therefore presume to solicit a Loan, repayable after a certain term, with annual interest."

A fifth writer states—"That he was obliged to leave his location, in an exposed situation, by the depredations of the Caffres, who took from him 30 head of cattle ; that he lost 150 sheep by the rains in October ; that his cultivation is quite at a stand for want of hands, which are not to be procured ; that he asks for no donation, not ranking himself as a distressed Settler ; but should any money be advanced by way of Loan, he would be glad of such assistance, and could give security."

The applications now forwarded will supply the Committee with ample proof, (were it necessary to prove it), that the expenditure of capital was an inevitable consequence of the failure of the crops, and that great depression and serious distress could not but follow that expenditure.

The loss of the capital has not, however, been confined to those, who were possessed of the larger means : the same causes have been attended by similar effects upon all those who cultivated the land, the immediate suffering, as before observed, increasing as the means to avert it decreased. Of this second class, one individual states, " my capital, in goods, amounted to £500, but, I am sorry to say, it has been on the decrease ever since ; misfortunes have multiplied, servants' wages, expense of living, and nothing coming in from the land, three years' crops destroyed by the rust, my garden swept away by the flood, and eight of my bullocks taken by the Caffres. I trust you will take these matters into your serious consideration."

A second observes, " Respecting myself, I beg leave to say, that, having brought out a little property, I have expended all in agricultural pursuits, which have, unfortunately, brought no return ; I now find that grazing is the only sure return, but am quite straightened for want of a capital to enable me to do so. If your Committee will kindly assist me with a loan of

money for a few years, it would set me on my legs, and I should be able to return it with interest."

A third says, "I brought out a good deal of both goods and money, and have nearly expended all, in the cultivation of my land, in paying wages, and keeping my family; I brought out servant men, but nothing coming in from the land, was obliged to dismiss them. I have lost 18 head of Cattle by the Caffres, and am not able to purchase more. We are, at this time, without milk, from the Caffres taking our cows. I have been brought into circumstances I never expected to have seen,—food very dear, and our clothing nearly worn out. It is hard work to persons who never knew the want of the necessaries of life. I have never received any relief yet, but hope I may be favoured with an equal proportion of what is to be distributed at this time."

Without instancing more of the numerous cases now transmitted, the foregoing extracts may prove, that much distress may exist, even in a country where the wages of labor are high; that that circumstance alone may be the cause of distress to many, and that if it cannot be removed, without reducing the respectable farmer to a day-laborer, that this alone implies the existence of distress, from which the capitalist is generally considered to be exempted.

There remains another and more numerous class to be noticed, consisting of the poorer emigrants, who brought out little more property than the deposit of from £10 to £30 each, according to the number of their families. This class was enabled to remain on their land, mainly by the assistance in provisions supplied by Government; but as this assistance was obtained in the first instance at the expence of two-thirds of the sum deposited, it necessarily followed, that a great portion of the distress which ensued on the cessation of the issue of rations was felt by this class. It is true that this was in some measure compensated by the prudent economy of many, who submitted to great immediate privation, rather than kill all the stock issued for their subsistence. Of this class, those without families were in some measure exempted from the more serious consequences of the failures and inundations; work was always to be had, and was amply rewarded, while those who had families to maintain, were unable to leave

them to seek work. Some idea of the sufferings and resources of this class may be gathered from the following extracts :—

“When first located, I purchased two cows and one calf, with the first instalment of my deposit, which provided me a little butter and milk ; that was a great help to us with the rations : digged one half-acre, sowed wheat and garden seeds, —wheat rusted. Second year removed to more favorable place, ploughed two or three acres at expense of 25 dollars, digged a small garden, one acre of wheat rusted, barley produced two muids, my wife and myself built the house, made a kraal, fenced 200 yards of corn field ; all this I had to lose, the surveyor removing me. By going sometimes to work for my neighbouring locaters, also my wife washing or sewing for others, obtained one more cow. Third year, living in ——’s house, ploughed three acres, at 12 Rds. per acre, sowed $1\frac{1}{2}$ with Bengal wheat, for which I paid two skillings per lb. ; crop blighted ; barley produced three muids ; the land having been flooded in October last, greatly injured the crops, washing down the fence, &c. Fourth year, sowed three acres with barley, Indian corn, &c. The produce of this crop has nearly supported us for six months. I have at present half an acre of barley growing, two acres of Indian corn, beans, potatoes, and pumpkins. My stock of cattle ten draught oxen, seven cows, three heifers, 5 young oxen, and a few fowls ; half share of an old waggon, plough, and harrows : I support my family by occasionally burning and carrying lime to Grahams Town.”

Another writes, “Not being accustomed to husbandry, I have to hire all my work at great expense, and at inconvenient seasons ; the sources from which this expense has been defrayed, as also, the necessities of life obtained, have been the produce of our cattle, and our industry, myself, when able to procure materials, making a few pair of shoes, my wife by doing plain sewing ; in this way have we supported ourselves since the rations ceased to be issued.” Several others of the same party send statements exhibiting similar results, of great misfortune, and privation, gradually giving way to perseverance, and economy, and they all unite in the following remarks.

“The subscribing individuals, beg to assure you, that no season has passed unregarded, or opportunity neglected, that our strength or our means could improve, for the purpose and

intent of obtaining a more plentiful supply of the fruits of the earth ; every year fresh exertions have been made, in hopes of being rewarded for past losses ; every care and attention has been paid to the preservation, and increase, of our stock of cattle ; our situation does appear to be bettered, in some points of view, still it is distressed with many wants ; our exertions have been baffled for so many years. Our body clothes, bed clothes, and many small articles for household use, are worn out, and we are greatly in want of them."

An individual in another party, states, "I came out in tolerable circumstances, but, alas ! my money was soon gone, my watch, with a tolerable stock of clothes, followed, in short, what with expenses of building a house, and cultivating the land, which yielded no return, my house taking fire, &c. I was so reduced in the beginning of 1823, that I had not a morsel to eat, or a shilling in my pocket. I since removed, and have, for the last nine months, been employed as a clerk."

Another states, "Having expended what little property I had, in implements, and improvements on my land, from which I derived scarcely any benefit, owing to various causes, particularly last year, part of my house was washed down, my barley and rye buried in the sand, and my garden, on which was my chief support, completely washed away, soil and all, so as to leave nothing but rocks, where the place had been covered with vegetables. Under these circumstances I was compelled to leave my land to seek a subsistence at the Kowie, not having sufficient cattle, or means of cultivating, to support my family on the land, which is what I greatly desire."

These are but a few, and, as the Committee may ascertain, not extreme, cases out of upwards of 180 distinct applications now forwarded, independent of all those claimants (at least 150 more) who trust to the statements inserted in the Table, altogether, conveying a mass of evidence calculated to silence the mistaken, if not reprehensible, opposition, which has, both here and elsewhere, been ineffectually raised against the benevolent undertaking of the Committee : an opposition so inconsistent as, at one time, to recommend the removal of the Settlers, and, at another, to deny the utility of the Subscription raised for their relief.

The Resources open to this class, and the spirits so necessary

to Emigrants, which they generally evince, may be remarked from the following extracts :—

“ The above is a statement of my party’s circumstances, my own included ; they are an industrious set of men, and, being free Settlers, they brought out a small quantity of property each, but, from loss of crops, and, together with severe losses by the flood, and the difficulties incident to a new Settlement, they, and myself, are quite straightened for want of a little capital, to enable them to follow their agricultural and grazing pursuits more extensively : a loan of a small quantity of money, for four or five years, would relieve them from their present embarrassment, and be the means of their future welfare. I wish it clearly to be understood, that, myself and party are not in want of food or raiment, for, while the price of labor remains as it is, these can be obtained by every one who is willing to work. If you can kindly assist us as above-mentioned, we shall soon be able to surmount every difficulty, and be a flourishing people. This is written with the approval of the whole party.”

“ Having been informed that, some relief is likely to be rendered to distressed Settlers, I beg to present to your notice my severe losses, &c. I have cultivated 14 acres, and (being a servant and not entitled to land,) after all my labor cannot claim an inch of land. I was brought up at the tail of the plough. If I may presume to ask relief, my wish is, to have a few cows ; a good plough, with plenty of land : I could then make myself happy in the Colony.”

For the length of the foregoing extracts, the Sub-Committee will offer no apology,—convinced that no general remarks could convey so correct a knowledge of the wants and sufferings of the various classes, and of the manner in which each has been affected, by the calamities which have visited the Settlement. From them it may be safely concluded, that the Settlers in general suffer under all the depression, that naturally follows the fruitless expenditure of capital and labor ; and that nothing but the natural advantages already noticed, could have so far supported the Settlement through the difficulties it has encountered. From these extracts it may also be safely inferred, that the several visitations of incidental and accidental distress in the outset, are in the case of this

statement, by no means inconsistent with instances of improvement, or with a well-grounded conviction of its ultimate prosperity, provided the necessary means are resorted to.

It appears that many of those persons, who have made the greatest sacrifices, decline applying to this source of relief, from a knowledge that, however considerable the amount of the subscription has been, it can but very inadequately replace the capital expended. It is, therefore, after ample consideration of the subject, suggested to the Committee, that the best mode of extending to the whole Settlement the effect of their benevolent exertions, would be to lend all the influence of their situation, to second an application about to be submitted to His Excellency the Governor, and to Earl Bathurst, for the loan of such a sum of money, upon adequate security and a moderate interest, as may meet the wants of the Settlers, whether applicants to this fund or not.

The object next in importance for the relief of the Settlers, is the supply of labor. During the immediate pressure of the overwhelming calamities which have visited the Settlement, it was natural that a most important fact, and an undoubted source of serious inconvenience, should be overlooked, or slightly dwelt upon,—namely, that labor was at all times difficult to be procured. Even during the first months of the Settlement, and when it might have been supposed that the supply exceeded the demand, such were the encouragement and facilities offered for attaining to a certain point of consideration and independence, (the sure characteristics of a rising Colony,) that few could withstand such inducements, to depart from the engagements made in England. From that time, as calamity forced the Settlers to disperse, and as the capital employed on the land was expended, this want has been more and more felt,—until, as it may be seen by the extracts here inserted, it is complained of, or admitted by, all parties.

The indentured servants, therefore, have but in a small degree suffered in the general distress. Notwithstanding the publicity given to the objects of the Committee, and the uncertainty of the application of the funds, but a very small number of those who came out as servants have applied; and those only, upon the plea of accidental losses by fire, by hurts,

or insolvency of their masters ; but at the same time, they have their full share of the effects of the general want of money, being obliged to receive their wages in cattle, or in orders upon the shopkeepers, which being mostly paid in goods, transfer to the merchant, a great part of the profits of the laborer, but without relieving the employer, who must eventually pay in cash. That the distress arising from the want of labor is serious, and increasing, cannot be doubted, and that a supply of it would be a most desirable mode of assisting the Settlers, is equally certain ; it would be as beneficial to the persons brought out, as to the Colony and to the mother country,—while even the present class of laborers would participate in the advantages, as they are rapidly attaining to the next step in society, and as the country affords them ample means of employing labor in their turn.

But as it appears to the Sub-Committee, that the supply of capital should precede that of labor, and that the funds to be disposed of can only partially embrace the former object, they can now only recommend to the Committee, to exert their powerful intercession with Government, to secure, in addition to the aid in capital above noticed, a gradual and constant supply of such a quantity of labor, as the Settlers can employ, which would place them in such a situation, as not to feel the broad line of distinction drawn between them, and the older colonists, in the regulation, prohibiting the employment of slaves.

The accumulation of stock, is the primary object, as it is at present the chief dependence of the Settlement ; but the possession of only a small herd, must not be allowed to imply the absence of all other wants, as the grazier can no more part with his stock, to relieve his immediate necessities, than the mechanic can dispense with the implements of his trade. In addition to this, it is essential to observe, that the cattle (calves being included in the account) cannot be averaged higher than from 8 to 10 rixdollars per head ; that the want of money renders their sale, unless by occasional barter, almost impossible ; and that less than 70 to 80 head, will not afford the bare means of subsistence.

It must be evident, from what has been said, that after the demands of immediate want are satisfied, the means of pro-

curing stock is the best mode of applying general assistance,—while the obvious objection of the confined extent of the locations, would be in some measure removed, as the same means could be applied, according to the circumstances, in purchasing such of the vacated allotments, as have not been forfeited to Government, and already applied to the use of the persons remaining on the land.

The Sub-Committee have upon the foregoing ground, and after the most mature deliberation, to offer it as their opinion, that the funds placed at the disposal of the Committee, may be applied “in a way that will prove satisfactory to those, whose liberality they are called on to dispense, and be most suitable to the circumstances and feelings of the Settlers themselves,” by rendering pecuniary assistance by loan, or otherwise, to those Settlers now on their land and such other applicants as they may deem deserving; and the Sub-Committee trust, that the accompanying documents will be found to substantiate their opinions, as well as to convey all the information required of them.

When the effects of the misfortunes, which it has fallen within the scope of this Report to examine, are considered in conjunction with others, (which the Sub-Committee have studiously refrained from adverting to,) it must afford real satisfaction to the benefactors of the Society, to remark the general existence of a most praise-worthy feeling amongst all classes, which induces them to prefer aid by loan, to any mode of gratuitous assistance.

In approving this species of assistance upon general principles, and where the demands are so numerous and pressing, it must follow, that the Committee, notwithstanding the most anxious care, must in some cases fail to ascertain, with accuracy, the comparative urgency or merits of every claim; instances of disappointment may and must occur, when individuals have over-rated either their own claims, or the amount of the funds; and, upon the other hand, the advantages of the subscription, may extend themselves to persons so circumstanced, as to furnish instances (to those solicitous to discover them) of apparent, or even of actual, misapplication. But as these can only form insignificant exceptions, inseparable from the dispensation of a *great and general relief*, they cannot affect the

universal feeling of gratitude, with which the Settlers in Albany must ever acknowledge the generosity of their Countrymen, and the arduous and beneficent exertions of the Committee.

(Signed) GEO. PIGOT.
DUNCAN CAMPBELL.
THOMAS PHILLIPS.
MILES BOWKER.
DON. MOODIE.
S. KAY.

Albany, 24th November, 1824.

ANNEXURE.

Copy of Circular to the Heads of Parties.

ALBANY, Aug. 27, 1824.

SIR,—The Committee of the “Society for the relief of Distressed Settlers,” having deputed us to collect information, for their guidance, in dispensing the funds, we have to request, that you will forward us all the information in your power, regarding the circumstances of such of your party, as are now on their land, and further, that whether a claimant yourself, or, as contributing information, that you will favor us with an interview, as early as possible.

The whole Sub-Committee will meet at Pigot Park, every Wednesday, from 10 to 2, and two members will attend daily, to receive applications, at the same place, and between the same hours.

By desire of the Sub-Committee,

(Signed)

Mr.

Head of Party.

[Original.]

Letter from MR. W. A. HANKEY to R. WILMOT HORTON, ESQRE.

FENCHURCH STREET, 22 April 1825.

DEAR SIR,—In reference to the communication which you made to me on the subject of the Printing Press, which the Missionary Society wish to send to the Cape of Good Hope, I

feel entire confidence in offering to Earl Bathurst the guarantee of my assurance, that the use of it shall be restricted to the purposes stated in my former application for his Lordship's sanction to that measure.

I shall beg therefore to presume, that this assurance (which I should be sorry to offer to his Lordship on insufficient grounds) will prove satisfactory to his Lordship, and shall act upon that persuasion, should I not hear from you to the contrary.

I am &c.

(Signed) WM. ALERS HANKEY.

[[Copy.]]

Further Report upon J. T. ERITH's Case and Claims.

The former Report, dated 9th November 1824, contained every material circumstance bearing upon this person's case. The present Memorials of 29 November and 30 December do but reiterate the previous demands, and deny the correctness of the Commissariat Claims against Memorialist.

With regard to the demand for the diagram and Title to the Location, it is found that J. T. Erith did not occupy the Land for the full term, but left it towards the latter end of the Year 1822; therefore not having fulfilled the conditions of occupation and cultivation he has no absolute right to the Land.

With respect to the remuneration claimed for the loss of Cattle taken by the Caffres, it is not possible to give other information than that he has been repeatedly told by the Landdrost that he had no more Cattle to distribute. I do not therefore see that any remuneration can be made to him.

As to this Man's complaint upon the commissariat claim against him "of charges of Items which he never knew were in Issue," it is only necessary to say that his signature is affixed to the Receipts for those Items.

Upon the Assertion of "the dates commencing before he saw the Shores of Africa," that by the Official returns he arrived in the *Brilliant* Transport in Simon's Bay on the 30th April 1820, sailed thence the 10th May, and by Major Cloete's

Official Report dated Algoa Bay 23rd May it is stated that "Erith's (among others) Party *have been dispatched* to their Locations," it is not too much then to believe that Erith had *landed* and drawn Stores at Algoa Bay on the 19th May, the *first* date in the Commissariat claim, corroborated by his own Receipt.

The detailed particulars of the claim as furnished by me being doubted by this person, I procured from the Commissariat Officer on the Frontier the Original Receipts, and on their coming to hand apprized J. T. Erith of their arrival and invited him to an inspection of them; this he declined, and demanded copies thereof, which demand cannot of course be complied with (as this Man has already expressed doubts of the authenticity of a document furnished by me).

Cape Town, 22nd April 1825.

(Signed) W. HAYWARD.

[Copy.]

Letter from the CHIEF JUSTICE and MEMBERS OF THE COURT to LORD CHARLES SOMERSET.

CAPE TOWN, 25th April 1825.

MY LORD!—We have the Honor to acknowledge the receipt of a Letter from the Colonial Office dated the 20th Instant, requiring Copy of Translation of the Trial of Galant and others; and as the Court had resolved immediately after the termination of the Trial to forward one to Your Excellency, and for that purpose caused a Translation to be made with all possible expedition, the Court is therefore now enabled to forward the same to Your Excellency. We have &c.

The Chief Justice and Members of the Court.

(Signed) J. A. TRUTER.

By order of the Court.

(Signed) D. F. BERRANGÉ, Secretary.

[Copy.]

Letter from MR. WILLIAM HAYWARD to MR. JOHN GREGORY.

CAPE TOWN, 25th April 1825.

SIR,—I have the honor to hand you herewith for the information of His Majesty's Commissioners of Inquiry the answers which I have been able to collect to the Interrogatories with which they entrusted me on the occasion of my late mission to Clanwilliam. * * * * I have &c.

(Signed) WM. HAYWARD.

[Copy.]

Report of MR. WILLIAM HAYWARD upon the Lands allotted to the British Settlers at and near Clanwilliam.

These Lands are situated in the Vale of the Oliphants River at the foot of the Nardow Mountains, a portion is intersected by the Jan Dissels River. No irrigation is here obtained from the Oliphants River. The Jan Dissels River and two small waters (one of which is uncertain in its supply) do afford irrigation to some arable ground. The Country is chiefly light sand, thinly covered with low Bushes ; the principal part is fit only for Winter Pasturage. It is estimated that the Pasturage will support 300 Head of Cattle taking the whole year round. The whole extent of these Lands approximates to 6000 Morgen. The extent of the Land absolutely capable of Tillage cannot well be estimated. That in Kleine Valley is presumed to be about 70 Morgen (but subject to uncertainty in its supply of Water) ; the rest collectively may possess about the same quantity. It is the practice of the Country to sow as many muids of Corn as will yield a required and expected crop. The usual rate of sowing is $\frac{1}{2}$ Muid per Morgen. The Average Return is 20 for 1. No cultivation is undertaken unless irrigation can be commanded.

It is collected from the information obtained from several

both old and newly established Inhabitants, that the Lands distributed to the Settlers might support

The Partridge Vallies including Taay Bush

Kraal as being one property	25 People
Kleine Valley	30
Sea Cow Valley, Clanwilliam	20

75 People

The Estate called Jan Dissels Valley was never allotted to Settlers, it was the private property of J. H. Nieuwoudt, it is supposed capable of supporting 25 People.

The old Estate of Fiet, when the whole of the above formed one property, is said to have supported about 60 People.

It is to be remarked that all agree in opinion on this one point, and mean it to be distinctly understood that each Estate should be a property in possession of One Individual, and under one Controul, to enable it to support the numbers stated, which are further to be presumed to consist of the usual Establishment of men, women and children. It is not to be inferred that these Properties would support the numbers stated if subdivided into small allotments.

(Signed) WM. HAYWARD.

CAPE TOWN, 25 April 1825.

[Original.]

Letter from ABRAHAM BORRADAILE, ESQRE., to the RIGHT HON. WM. HUSKISSON.

COMMITTEE ROOM, 25 ROOD LANE,
25th April 1825.

SIR,—I have the honour to enclose herein a Copy of a Memorial addressed to the Lords of His Majesty's Treasury praying that sundry articles the produce of the Colony of the Cape of Good Hope may receive the benefit of the proposed alteration of duties; and I most respectfully request your favourable attention to such parts of it as fall within your department for Consideration.

I avail myself of the opportunity which this Communication affords to point out some other circumstances respecting the trade of the Cape of Good Hope, of which I also beg leave to request your favourable Consideration.

The geographical position of the Cape of Good Hope plainly marks it out as peculiarly adapted for being made a Free port, and it seems to have been viewed in this light by His Majesty's Government even before they began to apply the Principles of Free Trade in other quarters, for by the order in Council of the 12 July 1820 the foreign European Trade was partially opened to this Colony ; and by the act of Parliament of 2nd July 1821, 2 Geo. 4, Chap. 45, the East India Trade was also laid open to it ; and the Colonial Government appears not to have been backward in its endeavours to promote these views, for the privilege of Bonding Goods (which by the Proclamation of 24 June 1814 was confined to goods coming from the Eastward) was by the proclamation of 18 April 1822 extended to goods coming from the Westward, provided two thirds of the value of the Goods so Bonded were re-exported in produce of the Cape or of other goods which had been previously legally imported there.

What is now therefore chiefly required by the Colony in order to place its foreign Trade upon a proper footing is an extended application of those principles, and also that all new regulations of the Trade may be made by one and the same authority, and not, as at present, partly by orders in Council and Act of Parliament in Great Britain, and partly by Government Proclamations issued at the Cape of Good Hope, which however well intended may sometimes accidentally counteract the intentions of the measures adopted at home for the benefit of the Trade of the Colony.

It is submitted therefore that it would be advisable to extend by an order in Council the operation of the order of July 1820 to all goods and Merchandize whatsoever coming from the Westward, not excluding as heretofore Manufactures of Cotton, Iron, and wool ; and also that the operation of the Proclamation of April 1822 should be extended by giving the privilege of warehousing under Bond at the Cape of all goods whatsoever whether British or Foreign without any restriction as to return Cargoes.

It would also be indispensable to the successful prosecution of this branch of trade that liberty be given to Bond such goods in any Merchant's warehouse in Capetown which might be reported by the proper officers to be sufficiently secure, and not to be confined for such purposes to the Custom-house warehouse as has hitherto been the case, which does not afford sufficient accommodation to the trade on its present limited scale, and which would certainly be quite inadequate if the measures now recommended were adopted.

The trade from the Eastward of the Colony, with the exception of that from China, is better regulated than the trade from the Westward.

The trade from China is entirely monopolized by the East India Company and their officers, and confined by them almost entirely to the supply of the Colony itself, nor can any hope be entertained of the extension of this branch of trade during the continuance of the Company's Charter, unless it should seem fit to His Majesty's Government, with the consent of the Hon'ble East India Company, to permit a direct trade between China and the Cape of Good Hope in all articles, *tea not excepted*, by which means, the Colony would not only be supplied for its own consumption on more reasonable terms, but a depôt might be formed there of the produce and manufactures of India and China, from which the demands of other British Colonies could be supplied, as well as that of the various Countries of Europe and the American Continents. It is well known that on account of the heavy expence incurred by the East India Company that scarcely any part of the Consumption of the Continents of Europe and America for Tea is supplied by the East India Company, but that this trade is almost exclusively carried on by ships and capital belonging to the United States. There can be no doubt if the China trade was opened to the Cape of Good Hope, in the manner I have endeavoured to point out, that in a very short time a most important share of this very valuable trade would be available to British Capital and enterprise. It would even become the interest of the United States Merchants, to send to the Cape for those products in preference to sending to the more distant markets of India and China.

In fact the advantages of conferring this privilege on the

Cape are so obvious that I cannot think they have escaped the penetration of His Majesty's Government, and I ought rather to apologize to you for now suggesting them, but the object is so important that I trust you will hold me excused.

As the means by which this object can be attained are so simple, as it interferes with no existing British Interest, creates no monopoly, and requires no separate protection, but merely an extended application of the principles of Free Trade already acted on with regard to this Colony itself, and now about to be made the foundation of the general System of British Commercial policy, I apprehend there will be no difficulty on the part of Government in qualifying the Cape of Good Hope to receive the full benefit of this enlightened system, which is so well adapted for enabling that Colony to improve its many local advantages.

The China Trade to the Cape at present is confined to what can be carried on by means of the East India Company's two annual Ships, which of course precludes the conveyance of any bulky goods, or goods of any kind, to any great extent, for the freight of £40 to £50 sterling per ton exacted for goods brought from China to the Cape by these vessels is equivalent to a prohibition, except for the supply of the monopoly trade of the Colony itself, which is thereby necessarily rendered of a very limited extent, nor is to be expected that the officers of these Ships can withdraw any very large Capital from the trade which they carry on at present in making their returns to England, in order to invest it in such a new trade as is now contemplated, even if the tonnage of these two annual ships admitted of it, which is not the case.

I have further to observe that the vigilance and activity of the Officers of the Customs at the Cape have been hitherto generally exerted in throwing every possible impediment in the way of the Trade with China being carried on by any parties other than the East India Company or their officers, even when these parties had obtained the East India Company's sanction.

Should the trade which is now prayed for be permitted by His Majesty's Government it is to be hoped that the mode of carrying it on may be so distinctly specified as to insure the cordial co-operation of the Revenue Officers of the Cape,

whose zeal has hitherto led them to consider "the protection of the manufactures of the United Kingdom as one of their first duties," even after the order in Council issued by His Majesty's Government had shewn very plainly that such was not the principle upon which the trade of the Colony was intended by His Majesty's Government thenceforward to be exclusively regulated.

I beg most respectfully to solicit your consideration of the above remarks, and to say that I will be ready at any time to wait upon you along with a deputation from the trade to answer any questions you may deem it necessary to put to us.

I have &c.

(Signed) ABRAHAM BORRADAILE,
Chairman of the Committee of the Cape of Good Hope.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *April 26th 1825.*

MY LORD,—It is with deep concern I have to report to Your Lordship that a most inhuman murder was committed by a Gang of Slaves in the district of Worcester, about 120 miles from Cape Town, on the 2nd February last, upon W. N. van der Merwe, J. H. van Rensburg, and J. M. Verlee.

I have delayed to report this circumstance at an earlier period, as I felt that it was one of such Interest that Your Lordship would be desirous of receiving all the particulars authenticated, which could only be obtained from the proceedings in the trial of the Criminals, and which being voluminous have occupied a considerable time in translating. I have now however the honor to transmit them and to inform Your Lordship that the several Sentences have been carried into Execution,—the Capital Punishment at Worcester.

I have the honor also to transmit to Your Lordship Copy of a Letter addressed to me by the Chief Justice and Members of the Court of Justice, and also Copies of two Letters from

the Landdrost and board of Landdrost and Heemraden of Stellenbosch (the district which contains the greatest number of Slaves in the Colony with the exception of Cape Town), one stating the alarm and apprehension that exist in the minds of the Slave Proprietors and soliciting that a Military Detachment should be stationed at Stellenbosch, the other requiring some arms and ammunition.

It appears from the best inquiries that I could make that the minds of Slaves have been excited by an expectation that some great benefits, if not emancipation, were intended them by the Government. This expectation has caused a restlessness in their minds tending (particularly amongst the Females) to insubordination. I was also informed that many of them conceived that the provisions of the Proclamation I issued on the 18th March 1823 gave them greater rights than it really did. I considered it expedient therefore briefly but clearly to cause to be explained to them by the local authorities *personally* throughout the Colony, the extent of the benefits which that Proclamation ensured to them, and have the honor to transmit a Copy of that Document.

I have also deemed it right to comply with the requests of the Landdrost of Stellenbosch, in placing a Military Detachment at Stellenbosch, and in affording him the arms and ammunition solicited.

It would not become me to enter at this moment on the delicate subject respecting Slavery in this Colony, as I shall have the honor of doing so as soon as I can collect every necessary information to bring the subject together with Your Lordship's Dispatch relative thereto, under the consideration of Council.

In the mean time I feel it my duty most strenuously and earnestly to urge Your Lordship to an Encrease to the Military Force here, as early as possible. The present Military Force is under any circumstances scarcely adequate to the ordinary duties required of it, and should any extraordinary Service be demanded, which the subject of Slavery may not improbably render necessary, it is my duty to say that it is totally insufficient. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from the LANDDROST OF STELLENBOSCH to the SECRETARY
TO GOVERNMENT.*

LANDDROST'S OFFICE,
STELLENBOSCH, *April 26th 1825.*

SIR,—It becomes my painful but imperative duty to communicate to you for the information of His Excellency the Governor, that several circumstances have lately occurred evincing a spirit of unreasonable dissatisfaction and insubordination on the part of the Slave population of this very populous and extensive District, and which, I am sorry to observe and to detail, has occasioned a considerable degree of alarm among the Christian Inhabitants here, and which I beg to submit for His Excellency's consideration.

1st. From the innumerable desertions that are constantly taking place among the Slaves, and consequent apprehensions, I have frequent opportunities of seeing and observing the temper and disposition they display, and I have no hesitation in declaring that it is an unwillingness to do their duty (from a mistaken notion of expected emancipation) without any apparent reason or just cause, as unwarrantable on their parts as unjust and ruinous towards their owners.

2nd. Some of the Mountains, Sir ! are infested and inhabited by gangs of runaway and rebellious Slaves, plundering the neighbouring Farmers of Cattle &c., and which I suspect has led in more than one instance to actual Murder, rendering it absolutely necessary for those who travel to keep themselves armed, a thing hitherto unknown in the history of this Colony.

3rd. The Prison also, Sir, within these few Months has been fuller of apprehended Slaves belonging to these various Mountain gangs, and others who have been sent to it, from their insubordinate and rebellious conduct towards their Masters, than has ever been the case in the memory of the oldest Inhabitants, and which the late reports of the Prison here will, I am sorry to state, but too clearly prove.

4th. That in consequence of this disposition of the Slaves, the two Churches of this District have been for many weeks but thinly attended, and that of the Paarl on a certain Sunday almost abandoned from an apprehension on the part of the

Community that their Slaves might be guilty of some violence, thereby rendering it unsafe for them to quit their Houses.

5th. That from the same feeling of alarm the Christian Inhabitants are in the habit of having nightly patrols, with the view of mutually protecting their respective properties, and that on a very recent occasion in this Village when it became necessary to fire a gun at night at a dog that was supposed to be mad, the Christian Inhabitants immediately turned out in great consternation, some armed, from a feeling that some revolutionary insurrection had actually commenced amongst the Slaves.

This disposition therefore on the part of the Slaves is more to be lamented, and more to be deprecated, from the ingratitude it displays for the many benefits they received from His Excellency's Proclamation of the 18th March 1823, and which has been so progressively contributing to ameliorate and improve their condition.

With the view then of tranquillizing the fears and apprehensions of the Christian Inhabitants in some degree, I have most respectfully to suggest to His Excellency the necessity of quartering for any length of time a Company of Soldiers in this Village, if they can conveniently be spared from the garrison duties of Cape Town, as independent Sir, of the feeling of Security it would convey to the Inhabitants generally, it would be felt as another pledge of His Excellency's wisdom and paternal care towards them.

That there is at this moment Sir ! a feeling of insecurity and alarm among the Christian Population of this District, I am willing to admit ; but I am sanguine enough to hope that through the benevolent measures of His Excellency it will not be of long duration ; however in justice to the Inhabitants of this District whose property almost entirely consists in Slaves, I think it my duty to make this representation, that should His Excellency deem it not incompatible with the political welfare of the Colony, and it should in other respects meet His Excellency's approbation, I feel convinced it would greatly contribute to appease that sensation of alarm and that feeling of insecurity which recent Events in a neighbouring District have so unhappily occasioned. I have &c.

(Signed) D. J. VAN RYNEVELD, Landdrost.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 27th April 1825.

MY LORD,—Reverting to my Despatch of the 31st of March last No. 160, in which I had the honor to notify to Your Lordship my intention to dispose of the Erven (Lots of Ground for Building) at the newly established Drostdy at Somerset, It is with much satisfaction I have now the Honor to report to Your Lordship that Eighty Three Lots were disposed of by Public Auction on the 13th and 14th Instant, which produced Fifty Thousand Eight Hundred and Sixty Four Rixdollars, yielding an annual Interest towards the Expenses of the District of Three Thousand and Fifty One Rixdollars, Six Skillings and Four Stivers. I have to add that there are still to be disposed of upwards of Two Hundred Lots, equally advantageous in fertility.

I have reason to calculate also that when the Lands of the new District shall be measured and granted they will yield, at a very easy Rent to the Grantees, an annual Income of Nineteen Thousand Rixdollars.

From these favorable circumstances relative to the Finance of the new District and the benefits that must always arise from the forming of a Town, in a thinly populated Country, I anticipate with much pleasure your Lordship's entire approbation of this new Establishment. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from ABRAHAM BORRADAILE, ESQRE., to EARL BATHURST.

COMMITTEE ROOM, 25 ROOD LANE, 27th April 1825.

MY LORD,—I have the honor to enclose Copies of a Memorial forwarded to the Lords of the Treasury upon the subject of the Cape of Good Hope Duties and of a Letter to Mr. Huskisson respecting the extension of the Trade of the Colony, to which

I beg leave most respectfully to call your Lordship's attention and to solicit your usual kind patronage on behalf of that unfortunate Settlement which in consequence of recent events stands more in need of it than ever. A deputation of the Trade will wait your Lordship's pleasure should you think it right to favour them with an interview to answer any questions your Lordship may think proper to put to them on these subjects. I have &c.

(Signed) ABRAHAM BORRADAILE,
Chairman of the Cape of Good Hope
Trade Committee.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 28th April 1825.

MY LORD,—I transmit enclosed for your Excellency's consideration copies of various representations which I have received from Messrs. Pringle, D. P. Francis and Benjamin Wilmot complaining of acts done by your Excellency and by certain Officers of your Government to the injury of their interests, and praying to be indemnified for the losses which they allege to have thereby sustained.

With respect to the case of Mr. Pringle, I have to desire that your Excellency will transmit to me copies of the observations in the 2nd number of the *South African Journal* which are stated to have been considered as infringing the conditions upon which the publication of that journal was authorised, and you will likewise furnish me with a copy of the Official communication which was made upon this subject by the Fiscal to Messrs. Pringle and Fairbairn on the 13th of May last.

As much stress is laid upon the nature of the observations which your Excellency addressed to Mr. Pringle on the occasion which led to his resignation of the sub-librarianship to your Government, it will be desirable that I should receive an

accurate report of what passed at his interview with your Excellency ; and as the Chief Justice is stated to have been present, you will apply to him for a report of the conversation.

In your Excellency's dispatch of the 3rd of July 1824 you state that Mr. Pringle had received "every aid" from your Government towards the Establishment of his Grammar School; upon this subject you will be good enough to acquaint me with the nature of that assistance as well as to furnish me with some explanation of the circumstances which Mr. Pringle represents to have led to the dissolution of his school.

In the dispatch to which I have alluded I observe that besides being allowed to transfer his original grant of land to his Brother, Mr. Pringle's application for an extension of that grant had not only been favourably met but he had received a grant of 9,400 acres of land for himself. These are circumstances upon which your Excellency will feel that it is indispensably necessary that I should receive the fullest explanation, in order that I may understand upon what principle Mr. Pringle applies now to me for another grant of land, after having already received such extraordinary indulgences from your Government.

The Statements of Messrs. Francis and Benjamin Wilmot being unaccompanied by any documentary explanation which could enable me to appreciate the merits of their complaints, I have only to instruct your Excellency to transmit to me a detailed report upon their respective cases. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS OF ENQUIRY.

DOWNING STREET, LONDON, 28th April 1825.

GENTLEMEN,—I transmit enclosed for your consideration copies of various representations which I have received from Messrs. Pringle, D. P. Francis and Benjamin Wilmot complaining of Acts done by the Government of the Cape of Good

Hope to their prejudice and praying to be indemnified for the losses which they allege to have thereby sustained.

As it appears that you have had opportunities of investigating the cases of Messrs. Francis and Benjamin Wilmot I have only to desire that you will transmit to me a report on the truth of the parts upon which they found their claim to the consideration of His Majesty's Government.

If Mr. Pringle should not have left the Colony before this Instruction reaches you, you will intimate to him your readiness to investigate such complaints as he may be desirous of submitting to your consideration. I am &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 28 April. 1825.

MY LORD,—I have had the honor to receive Your Lordship's Despatch of the 29th of September 1824, stating that Your Lordship had remarked in one of the papers enclosed in my Despatch of the 21st of May, some allusion to the case of a Mulatto who was judicially condemned to a Fine of Thirty Rixdollars for having pursued and assaulted a female, and desiring me to transmit for Your Lordship's information a Report of the proceedings which were had in that case, and in reply thereto I beg leave to transmit a Translated Copy of the Proceedings that took place in the Case in question.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[The case was an ordinary police one, in which disreputable language occurs, and is not of the slightest importance, so I have not copied it.—G. M. T.]

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 28th April 1825.

MY LORD,—I have the honor to state to Your Lordship that a Defalcation in the Revenue of this Colony, has lately been discovered here, which I regret to say, most materially implicates the Character of one of the late Members of the Court of Justice, and who, on being required to give an explanation of the circumstances of the case, made a report thereon by no means satisfactory, and very shortly afterwards committed Suicide by cutting his throat.

The discovery arose from the Commissioners of Inquiry having demanded a Statement of the annual Profits of the Bank paid into the Treasury since 1806, and on inspecting the same, they remarked that no Profit whatever was credited to the Bank in the Treasury Account of 1814 for the preceding year.

On application to the Directors of the Bank to explain this fact a receipt was produced signed by Mr. Bresler, then Deputy Receiver (Mr. Dashwood being Receiver General) for the sum of Thirty Six Thousand, two hundred and Seventy Seven Rixdollars, Two Skillings and Two Stivers, as received from Mr. Crozier, Cashier of the Bank, on account of the Treasury, and which amount exactly tallies with the actual Profits of the Bank in the year 1813.

Mr. Bresler (who has been for some time past one of the Members of the Court of Justice), was called upon to state why this Money had not been brought to account. This demand with his reply thereto are herewith enclosed, and Your Lordship will perceive that the Explanation given was by no means satisfactory.

I was therefore about to take further steps for investigating the case, when a Report was brought to me that Mr. Bresler had committed suicide.

Under these unpleasant circumstances, I have adopted the only resource left for me to protect the interests of Government, by instructing the Fiscal to take legal measures for recovering from the property of the deceased, the amount stated in his receipt, viz. Thirty Six Thousand, two hundred and Seventy

Seven Rixdollars, Two Skillings and two Stivers, and for which that Document makes him responsible. I understand that the Estate will be fully sufficient for the liquidation of this debt to Government, but as the deceased has left a Family who will by this unfortunate event be deprived of their principal means of support, I trust Your Lordship will approve under these circumstances of my not having claimed Interest on the amount of the Debt. It will naturally strike Your Lordship that an Error of so glaring a nature, involving the amount of one of the principal annual Branches of Revenue here, could not have passed unnoticed, had there been anything like an efficient Audit of the Accounts of the two Departments, the Bank and the Receiver General's Office. In my own defence therefore I feel bound to acquaint Your Lordship that this Error took place early in the year 1814 previously to my assuming the Government of this Colony, and that the Books of the Receiver General for the first Quarter of the year 1814 are certified as examined by Major (now Colonel) Munro, who then acted as Civil Auditor. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

COLONIAL OFFICE, 14th March 1825.

SIR,—It appearing from a receipt (an authenticated Copy of which is enclosed) granted by you to Mr. Crozier, the Cashier of the Discount Bank, on the 17th of January 1814, in your Capacity as Deputy Receiver General, that a sum of Thirty Six Thousand, Two Hundred and Seventy Seven Rixdollars, Two Skillings and Two Stivers was paid into His Majesty's Treasury and no entry of such receipt having been made in the Books of the Receiver General, I am directed by His Excellency the Governor to call upon you to lose no time in explaining to me for His Excellency's information under what circumstances and by whose authority the aforesaid sum of Thirty Six Thousand Two Hundred and Seventy Seven Rixdollars Two Skillings and Two Stivers was omitted to be carried to the Credit of His Majesty's Government. I have &c.

(Signed) P. G. BRINK.

F. R. Bresler, Esq.

Received from Mr. R. Crozier the sum of Thirty Six Thousand Two Hundred and Seventy Seven Rixdollars Two Skillings and Two Stivers on account of the Treasury.

Receiver General's Office, 17th January 1814.

(Signed) F. R. BRESLER.

[Enclosure 2 in the above.]

CAPE TOWN, 15th March 1825.

SIR,—I beg leave to acknowledge the receipt of your Letter of yesterday, and have the honor to state, for the information of His Excellency the Governor that, when I was Deputy Receiver General, it was the custom when there was not sufficient Money for the payment of the Warrants, then, with the knowledge of the Receiver General, to apply to the Discount Bank for a temporary Loan, for which a receipt was given according to the form which accompanies your Letter, differing from those more in detail which the several Collectors usually received when they paid in their respective receipts; when these temporary Loans were repaid, the receipt was returned, and nothing more took place, and without either the one or the other being entered into the Books of the Receiver General. Probably owing to the multiplicity of business, or otherwise, was this receipt not returned; to this alone can I ascribe the cause that a receipt which was given ten or eleven years ago, now only is forthcoming, which surely appears strange to me, not being able at this time to bring anything farther respecting it to my recollection.—I have &c.

(Signed) F. R. BRESLER.

P. G. Brink, Esqre., Assistant Government Secretary.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., to MR. BISHOP BURNETT.

DOWNING STREET, 28 April 1825.

SIR,—I have laid before Earl Bathurst your letter of the 14th Instant.

His Lordship has desired me to observe that in the communication which was made to you on the 9th Instant it was not meant to be implied in the slightest degree that you had transmitted to him intentionally imperfect copies of the proceedings upon your trial. It was simply intended to explain to you that until those proceedings reached this department in a complete and authentic form, it would be impossible for his Lordship to act upon them.

These documents appeared to his Lordship to be incomplete from the omission of the proceedings in appeal to the full Court which you state to have confirmed the original sentence of the Commissioners ; and with respect to the authenticity of the papers, (which I take this opportunity of returning in compliance with your request) his Lordship could under no circumstances view them as possessing that character unless their official accuracy were certified to him by the proper authorities.

As it appears that my letter of the 14th Inst. contains a verbal error which alters the sense of the sentence in which allusion is made to your recent trial, I have to request that you will return that communication and receive the enclosed transcript in lieu of it. I am &c.

(Signed) R. W. HORTON.

[Original.]

Replies of LIEUTENANT-COLONEL BIRD *to Questions by the*
COMMISSIONERS OF ENQUIRY.

Lieutenant-Colonel Bird returns herewith replies to the 27 Interrogatories transmitted to him by the Commissioners of Inquiry on the 21st instant.

It is painful to Lieutenant Colonel Bird to be obliged to return answers which not being altogether satisfactory to himself, he fears may be less so to the Commissioners ; but without minutes or memoranda to refer to, he feels it impossible to be as correct and precise as he could wish to be, or as diffuse as the importance of the subjects appears to him to have required that he should have been.

A mere affirmative, or negative, to some of the Queries, would not have elucidated them ; it has been necessary therefore, in some instances, to adduce fact to support theory.

Lieutenant Colonel Bird trusts the Commissioners will make allowance for the difficulties into which he has unexpectedly been thrown.

Impressed with the opinion that he should not have any Queries put to him, from the first Communication of the Commissioners, when they acquainted Lieutenant Colonel Bird to the effect that they should only correspond with him through the Governor ; confirmed in that opinion by Mr. Bigge having verbally informed him that the Commissioners would require no elucidation from him, excepting as to some property he possessed in Strand Street, Lieutenant Colonel Bird, as he has already acquainted the Commissioners, transmitted the principal part of his Papers to England ; his own security compelled him to this measure lest the System introduced under the eye of the Commissioners of authorizing domiciliary visits, and seizing private papers, should have been extended to him, and he should have thereby found himself despoiled of a collection of minutes and documents very valuable to him, and which at some future period may be useful to His Majesty's Government and to the Public.

LIESBEEK COTTAGE, 28th April 1825.

[Enclosure in the above.]

*Interrogatories proposed by the COMMISSIONERS OF INQUIRY to
LIEUTENANT COLONEL BIRD, and the Replies thereto.*

CAPE TOWN, 21st April 1825.

1st. How long did you hold the Office of Deputy Secretary, and for what period did you hold that of Chief Secretary to the Government at the Cape of Good Hope ?

Answer. I arrived here in May 1807 and entered on the duties of the Deputy Secretaryship on the 22nd of that month ; at the close of that year the Colonial Secretary died, when I was appointed to the Secretaryship till His Majesty's pleasure should be known ; in November 1808 Mr. Alexander was appointed Secretary from Home, after which I did the duties of

Deputy Secretary until the death of Mr. Alexander in May 1818, then I was nominated to the Secretaryship, which nomination was confirmed by the King, and I continued in office until June 1824. Owing however to an accident which befel me, and which will confine me to the House for the remainder of my life, I had not attended office or to official duties from the 22nd January preceding.

2nd. By what authority were you appointed to these Offices ; and can you furnish us with a sight of the original warrants, or if not, with Copies of them ?

Answer. I was appointed to the Deputy Secretaryship by the Secretary of State, then Mr. Windham, the Despatch notifying my appointment is in the Colonial Office. The despatch from the Secretary of State Lord Bathurst, notifying my appointment by the King to the Secretaryship, is also in the Colonial Office. The Secretary holds his appointment by Warrant under the Sign Manual, he is Secretary and Registrar, I do not believe that there is at present in the Colony any Authentic Copy of the Secretary's Warrant, but I think a great part of it is extracted in the notification of Mr. Barnard's appointment which is entered in the Appointment Book kept in the Colonial Office ; from this it will be seen that the nomination of Assistants in the Colonial Office rests with the Secretary. He cannot under another system be answerable for the due performance of the Office duties, with boys or inefficient subordinates these important duties cannot be carried on. The Registry Department of the Secretary's duties does not come before the Governor ; those duties are very extensive, as the inspection of the Office Books will show : independent of the Registry of all Freehold or Quitrent Landed property, the debt registry is one of a very extensive and important nature, there are near 5000 separate accounts, each kept under the heads of Dr. and Cr., and there were in 1823 nearly 30,000,000 (thirty millions) of Registered Debt in this Department. These Registers were kept in a very unsatisfactory manner when I first took upon me the duties of the Office. I substituted the present system, which was a work of very great labour, and I had the satisfaction to know that altho' the important questions of "Præferent and Concurrents" were depending on the accuracy of the Registers, not a single

complaint of doubt or inaccuracy occurred during the long period in which these Registers were under my charge.

3rd. What Salary was attached to the Situation of Deputy Secretary ?

Answer. The Salary attached to the Deputy Secretaryship was £1500 Sterling.

4th. Were any other Emoluments attached to it in the shape of fees, house rent, servants or rations ?

Answer. There was no House Rent allowed or any servants or rations attached to the Deputy Secretary, but it will be perceived by an inspection of the Despatch notifying my appointment in 1807 before alluded to, that I was authorised to receive the fees which arose from the Sale of Stamps and those which arose from the Sale of Gunpowder ; these fees had been received by Mr. H. Ross, who was Deputy Secretary under Lord Macartney and the other British Governors to the period of the surrender in 1803. When I arrived, the Stamp Office had been made a separate office, and I was appointed to it by a distinct notification ; there was no Salary attached to it, it was paid by the Fees (Opgeld) ; there were no Fees or other Emoluments taken in the Secretary's Office on account of the Deputy Secretary.

5th. What was the nature of the duties of the Deputy Secretary, and was any specific difference recognized between those of the Chief Secretary and the Deputy Secretary ?

Answer. The duties of the Deputy Secretary were similar to those of the Secretary, but the Deputy Secretary was subordinate, the Secretary also laid all papers in the first instance before the Governor, if he were absent, that duty was performed by the Deputy.

6th. Was the Signature of the Deputy Secretary to Official Documents entitled to the same degree of credit in the attestation and transmission of the orders of the Governor, as the Signature of the Chief Secretary ?

Answer. The Signature of the Deputy Secretary was considered to be entitled to the same degree of credit as that of the Secretary. The Deputy Secretary invariably wrote " by command of the Governor."

7th. What salary was attached to the Office of Chief Secretary to Government ; were any other, and what emoluments

attached to it in the shape of fees, house-rent, servants or rations ?

Answer. The salary of the Secretary to Government was £3500 sterling per annum. He had no emoluments in the shape of fees, servants or rations ; from the period at which the Secretary's house in the Castle was given up to the Military branch of the Service, the Secretary received Rds. 2000 per annum in lieu thereof, the sum was very inadequate to the rent of a proper dwelling for the Secretary, nor could a proper dwelling be obtained for him, which circumstance compelled Mr. Alexander and myself to build, by which we have both incurred most ruinous loss. Mr. Alexander had held the office of Criminal Assessor to the Court of Appeals ; when I succeeded to the Secretaryship, under the impression that the Assessorship should be held by a person having a legal and professional education I did not apply for the appointment. I subsequently found that I had been in error on this subject, for a person without any professional education, talent, or acquirement was appointed Assessor. I thus lamented that I had been in the first instance so scrupulous, and had neglected my own interest by declining to apply for an office on the foolish ground of having felt myself incompetent to the performance of the duties.

8th. Has it been the custom since you were acquainted with the Office, to deposit the whole of the Public Correspondence carried on between the Secretary of State for the Colonial Department and the several Governors of the Colony in the Office of the Chief Secretary ?

Answer. It has always been understood by the Secretaries (which I state from communications I had on this subject with my predecessors) that the whole of the correspondence with the Secretary of State should be deposited in the Office of the Secretary and Registrar, I have reason to think that the whole of the Correspondence has not latterly been so deposited, by latterly I mean the two or three years preceding the month of January 1824, there is a Despatch from the Colonial Department on the subject of filing the correspondence : there were many Despatches missing at the period I advert to, this was known by the practice of numbering the Despatches adopted by the Colonial Department in Downing Street, when the

Despatches did not file regularly it was obvious some had been subtracted. There is no certain way of preventing this improper practice but by the Colonial Department in England sending the Duplicate Despatches to the Colonial Secretary, or if thought more advisable sending a triplicate set addressed to that officer.

9th. Did any order exist, or has it been the custom that all correspondence of the several Functionaries of Government in the Districts should be addressed in the first instance to the Secretary to the Government ?

10th. Did the same order or custom exist with respect to Memorials from Individuals ?

Answer. It is not in my recollection whether there was any order which regulated the practice alluded to in these queries, but the custom was for heads of Departments to correspond with the Secretary for the Governor's information. Boards, such as the Court of Justice, the Burgher Senate, Orphan Board, Landdrost and Heemraden, always claimed it as a privilege to address the Governor, the Landdrosts corresponded with the Secretary. It had been a System in the period alluded to in the last reply to subvert this order of things : thus the Landdrost of Albany, *Harry Rivers, Esquire*, carried on the whole correspondence relative to the arrangement for that District in a separate and unofficial form of correspondence with the Governor, of which the Secretary had no sight, and after their arrangements were completed, official letters were sent to the Secretariat to give official forms to measures resolved upon. Memorials ought invariably to have been addressed in the first instance to the Secretariat, but this also was not regularly attended to.

11th. Be so good as to state the modes adopted during the respective Governments of Lord Caledon, Lord Howden, Lord Charles Somerset, and the Acting Governor Sir Rufane Donkin for submitting to them the several documents that were addressed to the Secretary to the Government.

Answer. Under the Government of the Earl of Caledon I introduced the system of submitting all the documents which came into the Colonial Office, by Schedule. This Schedule consisted of 5 Columns, the first of which contained the number of each paper, the second, the name of the Party who was the

writer of the Paper, Letter or Memorial, the third column contained a *Precis* of the Paper, the fourth contained the Secretary's remarks on the Paper, the fifth column was left for the Governor's observations or decisions. The Secretary's remarks pointed out the particular feature or features of the subject under consideration, the precedents which were applicable to the case, the channel through which information on the subject was to be obtained, or any further remark which might appear to him to be requisite to elucidate the subject for the Governor's information. This Schedule was either personally submitted to the Governor or sent to him, as might be most convenient to him, and the Secretary took the Governor's orders upon the various matters contained in it when it pleased the Governor to communicate them ; at which time any farther information was of course given if required. The regularity of this method had many advantages, among others that of reducing the Governor's Commands upon the most trivial matters to writing ; it also kept everything in its place and prevented those oversights which occur when papers are not attended to with equal accuracy and are scattered ; by this System nothing could be mislaid, nothing overlooked, and when the Secretary had gone through his explanations with the Governor, he handed the Schedule to the Deputy Secretary, who was then enabled to give effect to the Governor's Commands as if he had personally received them. The several Governors named in the query respectively approved the manner in which the whole of the Colonial business was transacted in the Secretary's Office by me, as the following testimonials from them will sufficiently show. From Lord Caledon, who originally approved of the general system I had introduced, it would be superfluous to produce testimonials. I have many, but during my absence in England, under the administration of his successor Lord Howden, I received a letter from His Lordship (then Sir J. Cradock) of which the following is an Extract : " I have only to repeat that all my apprehensions are too much verified, and that the Office cannot get on without you ; I smother all my feelings, but I assure you they are exquisite upon the subject. I am in a mournful way, and never have an easy moment. I have failed in my duty to the English Government in giving you leave of absence." That

Lord Charles Somerset approved the system and manner in which the Colonial business was conducted will not be disputed after reading the enclosed Extracts from His Lordship's Letters to me, the first upon my Appointment to the Secretaryship, and the second during His Lordship's absence in Europe : "no one is so much to be envied," says His Lordship, "as he who has secured present comfort and future provision for his family by the exertion of his talents and his own merits, may you long live to enjoy this well earned station," and again dated from Paris 31 December 1820 and written under the impression that I had not been made acquainted with the intention of erecting a new Drostdy where the Settlers were located : "I fear," says His Lordship, "that that happy cordiality which existed between us during 6 years of Public Service so satisfactory to ourselves, and so *beneficial to the Public*, does not exist now." The Acting Governor Sir Rufane Donkin's testimonial to the same effect is already before the Commissioners, and after these unquestionable authorities I own I think myself justified in concluding that the Office which was so long under my charge was conducted upon a tried and approved system, that it was well regulated, and that the Public business was carried on creditably and honorably to myself, and beneficially to the Public. It is a lamentable truth that during the period embraced by these Queries two highly culpable defaults in Public Receivers have been discovered, but it is very satisfactory to me to know that one instance in which a large sum was subtracted from the Public Revenue had happened during my absence from the Colony, and that the other instance was detected, notwithstanding the gross negligence of the Audit, (to which is attributable that there was a default at all) by means of those additional checks which I thought it my duty to direct the Auditor to use in the examination of the accounts of the Department in which the default occurred, as a reference to my Letter to the Auditor dated 26th April 1821, which is in your possession, will prove. It is a singular coincidence that the defaulter in the first instance here quoted should have been the Commissioner of the Court of Justice for the Trial of the defaulter in the other instance, what must his feelings have been when sitting on the Judgment Seat ? what must have been the feelings of others similarly

circumstanced ? It is a no less singular Coincidence that I have at this moment on my Table a paper in the handwriting of the unfortunate Mr. Bresler sent to England by him after the Capture of the Colony disclosing the names of all those who were concerned in the robbery of the Treasury in the night of the 6th January 1806, and stating the precise share of plunder which each Individual obtained on that occasion, and that among the names of the Receivers should be those of the Chief Judge and Prosecutor in the case of the aforesaid delinquent ! It would be difficult to point out the difference in moral turpitude in the cases of these four persons. Nor am I casuist enough to draw any distinction between such acts and that of drawing money from the Treasury, to which the person drawing knew himself at the time not to be entitled, and when the Blot was hit and checked at the *Home* Audit and the money so obtained was directed to be forthwith refunded, not complying with that order. Since January 1824 it may have been paid back to the Treasury, but at that date the very large default alluded to had not been made good. It will be useful to have called your attention to this circumstance at a moment when the Colonial Servants are pining for want of their hard earned and pitiful stipends, and when the Government Creditors are clamorous from the exhausted and Bankrupt state of the Treasury, the effect of such practices as are above noticed and of a wanton and inconsiderate extravagance. It was also due to myself to expose to you the true characters of the men with whom I was compelled to act, that I might claim and establish the merit of having kept things in the order in which they were previous to the 1st December 1821, notwithstanding such lamentable disadvantages.

12th. Were there any established days on which the Governors gave audiences to Individuals or to the Officers of the Government ?

Answer. Lords Caledon and Howden saw all persons on public business at Government House on Tuesdays and Fridays, between the hours of ten and two. The Secretary to Government daily took the Governor's commands at Government House, and other Officers of Government if summoned there. Governors did not attend at the Colonial Office, they came

thither occasionally if any circumstances occurred which appeared to require it. Lord Charles Somerset early gave up the reception of persons on business on appointed days at Government House, it was inconvenient to his family that the crowd should assemble there, and he therefore transferred the reception of persons on business to the Colonial Office ; he also reduced the days of attendance to one in the week, viz. Tuesday. Monday had been allotted to Military business, but as it interfered with His Lordship's other avocations, he changed the Military day of business to the Sabbath, which continues to be the day allotted to that duty. Sir Rufane Donkin followed the steps of Lord Charles Somerset, and came to the Colonial Office on Tuesdays to see all persons on Colonial business, but he caused it to be made known that he received all persons daily at Government House in the morning after 10 o'clock.

13th. Was the Chief Secretary to the Government expected to submit his opinion to the Governor upon the expediency of granting or refusing the prayer of each Memorial that was presented, or might come under the review of the Governor ?

Answer. The Secretary was not expected to submit his opinion upon the expediency of granting or refusing the prayer of each Memorial that was presented or might come under the review of the Governor ; he did so if called upon for his opinion, which was then given verbally, at least in most cases.

14th. Was he likewise expected to submit his opinion upon the several measures that might be suggested to the Governor from other quarters ?

Answer. The Secretary was not expected to give his opinion upon the several measures which might be suggested to the Governor, unless required so to do, but it is obvious that if cordiality existed between the Governor and Secretary in the transaction of business the Secretary's opinion would naturally be elicited ; when the cordiality did not exist measures would be handed or transmitted to the Secretary to give effect to, and no comment would be made by the latter thereon ; it has occurred that when he has nevertheless ventured to give an opinion it has only drawn insult upon him. That I never hesitated freely and conscientiously to give my opinion to Lord Charles Somerset as long as I found it useful to the Public and safe to myself to do so, the following instance which

embraces His Lordship's acknowledgement on the subject will clearly demonstrate. But when I found that vengeance was denounced against me for strenuously urging a less offensive line of conduct towards that amiable Officer and Man Major Jones, and for pointing out the inexpediency of appointing such a person as Harry Rivers, Esq., Landdrost of Albany, I did not thereafter willingly obtrude opinions or views which were thenceforward nearly certain to bring upon me fresh injury and insult. My foresight with respect to Harry Rivers, Esquire, has been too fatally justified. The circumstance above alluded to is thus stated in a narrative which I sent Home for the information of My Lord Bathurst :

" It having been the intention of Lord Charles Somerset to reward the private obligations he was under to an active Agent of his named Poggenpoel, by the creation of a *Sinecure* place for that Individual, I thought it my duty to represent to His Lordship the character of that person as I had heard it, and as it had appeared to my predecessor Mr. Alexander, it came to my knowledge soon after that Lord Charles Somerset had spoken of this circumstance with asperity and called my representation *prejudice* against the Individual, of this I took the liberty of complaining, in reply to which Lord Charles wrote to me as follows : " I by no means used the word *prejudice* in the way in which you construe it. I should be very ungrateful if I did, for in this Land of falsehood, intrigue, and duplicity the value of a real friend, who dares to speak the truth on all subjects and on all occasions, is most duly appreciated by me, and in proportion as I feel that, must I feel the obligation I owe you. I am conscious that I have avoided many troubles by the candid manner in which you have communicated your knowledge of characters and matters here, and that I have done much good by availing myself of your information." Notwithstanding this P. Poggenpoel was appointed to a sinecure of Rds. 1200 *created expressly for him*, but he was removed from this, and the sinecure suppressed when His Majesty's Commissioners were daily expected ; he then obtained the Secretaryship of a Country District. Since that period, and subsequent to certain examinations which this Poggenpoel underwent before the Commissioners, he received an additional appointment in the Vendue Department

on the death of Mr. Van de Graaff, but this last appointment was endeavoured to be concealed from public observation, it not having been notified in the *Gazette*. If it be remarked that as Secretary to the District the vacant Vendue Mastership fell to him of course, it will be answered that it is not the fact, the vendue Masterships in the Districts of the Cape, Stellenbosch, and Albany are not filled by the Secretaries, neither has it been the case in the Tulbagh District, whereas in Graaff Reynet a division of that duty was found necessary, so that P. Poggenpoel having had this additional reward for his Services, it ought to have been Gazetted, but it was not so, evidently with a view to conceal the appointment from that Public which never fails to comment upon circumstances of this nature. It is here shown, that five out of the seven Districts do not give the Vendue Mastership to the Secretary as a matter of course, therefore the appointment ought (but for the cause alluded to) to have been made public, as it is now even thought useful to gazette the Clerkships of the Colonial Office.

15th. When occasions arose wherein he differed in opinion from the Governor, had he any right of recording that difference in the shape of a protest against the adoption of the measure under discussion ?

Answer. The Situation of Secretary did not appear to justify his protesting against any measure which a Governor might think proper to adopt, this was my uniform opinion. Had such a right existed in a Secretary, I should have used it on some occasions, my predecessor would have also used it on more occasions than one, it was his opinion that there was no such right vested in the Secretary, it appeared to him, as well as to myself, that a Counsellor protests, a Secretary does not. I was confirmed in this opinion by an arrangement which was ordered from Home under the administration of this Government by Sir George Yonge. Some complaints had reached England as to the extravagance of the expenditure of that period ; the Receiver General's Accounts were transmitted quarterly, and the Secretary was ordered to transmit with those accounts, which were of course the accounts of the Governor's Public receipt and expenditure, his reasons, if any existed, for dissenting from the propriety of any of the heads of expenditure then incurred ; the accounts were so made up

during the remainder of Sir Geo. Yonge's Government, but the order did not extend beyond it, the Secretary, therefore, was neither called upon to protest nor to withhold his Signature; this fact was to me conclusive as to the view taken of this question at that period by His Majesty's Government.

16th. Could he refuse to put his Signature to any order of the Governor that he conceived to be injurious to the Public interests ?

Answer. The Signature of the Secretary to Government merely attesting the Governor's act and giving publicity thereto, by the Governor's Command, I hold that the Secretary has no right to refuse such attestation, and I am borne out in this opinion by the instance adduced in the reply to the last query.

17th. Was it the duty of the Chief Secretary to Government to frame the several Proclamations issued by the Governor from time to time ; and if not, by whom were these Documents prepared and framed ?

Answer. It was the duty of the Secretary to Government to frame the several Proclamations when called upon to do so, but very many Proclamations were not drawn up by the Secretaries, and some not with their knowledge, they only received them for the purpose of attesting them and giving them Publicity ; some were drawn up by the Governors themselves, some were joint productions, some were drawn up by the Chief Justice, others by the Fiscal ; the celebrated Game Proclamations, for instance, were the joint productions of Lord Charles Somerset and his two Criminal Assessors, Mr. Judge Kekewich and Mr. W. W. Bird.

18th. Has any book been kept in the Office of the Chief Secretary in which the Proclamations had been entered ; or have the originals been preserved there with the Authentic Signature of the Governor and the Chief Secretary ?

Answer. Books are kept in the Office of the Secretary in which the several Proclamations are entered, and to which are affixed the Governor's Signature and Seal and the Signature of the Secretary to Government.

19th. When it was usual to annex a Translation of the Proclamation in the Dutch Language, by whom were the translations prepared ?

Answer. Translations were made by such of the Assistants in the Office as were most competent thereto ; frequently however they were made by the Chief Justice or Fiscal, or such other of the Public Servants as were most likely to translate with accuracy, complaints have however reached me of the incorrectness of the translations of Proclamations, which I believe to be well founded.

20th. Were the Proclamations separately communicated to the several Landdrosts of the Districts, or by means only of the Government Gazette ?

Answer. When there was any matter in the Proclamations which required elucidation or comment, such Proclamations were transmitted to the Landdrost with a Letter of Instruction, or a Letter calling their particular attention to the subject required, otherwise the transmission of the *Gazette* was considered a sufficient notification in ordinary matters.

21st. Was the publication of the Proclamation in the Government *Gazette* the only mode adopted for making known these Enactments to the Community ?

Answer. Government Proclamations are, as the name imports, Proclaimed ; they are officially transmitted to the Burgher Senate, who caused their Secretary to read them aloud from the Balcony of the Senate House, after sounding a small gong ; this Form appears absurd, as no persons, unless those next to the reader, can hear or understand a syllable of what is uttered. Proclamations are also affixed in certain customary Situations.

22nd. In what manner have the issues of Money in the hands of the Receiver General been made, and have the Warrants for those issues been invariably signed by the Governor or by the Chief Secretary to Government attesting his Order ?

Answer. It is the Receiver General's instruction not to issue money except for receiving a Warrant under the Signature of the Governor and Counter Signature of the Secretary, it is an instruction to the Governor not to draw money from the Treasury except by Warrant under his Signature attested by that of the Secretary. These Instructions have been frequently disregarded, as will be farther shown in the Reply to Query No. 26.

23rd. By what means was the Chief Secretary to Government

enabled to ascertain and check the Balances in the hands of the Receiver General ?

Answer. The Secretary to Government received a Balance Sheet from the Receiver General every Monday morning, he had a Balance Sheet also drawn from the Finance Book kept in the Colonial Office, those Balances ought to have tallied, but there was an error which never could be discovered, and which caused a variance between the two accounts, which was never explained to my satisfaction, it was always replied to my anxious inquiries that it was impracticable to make the two Books agree, because my Finance Book contained the Amount of every Warrant as it was issued and of every head of receipt as it was ordered to be paid in ; that these Warrants and these Receipts were not brought in directly for payment on the one part or paid immediately on the other, and that therefore as this was invariably the case it was impossible that the accuracy I required should be made apparent. This repeatedly urged did not satisfy me, but I got no better elucidation, and finding that the certificates of the Auditor and those of the Fiscal testified the accuracy of the Receiver General's accounts I was compelled to be silent, but I believe there continues to be a discrepancy which it will be very laborious to clear up.

24th. Were the Annual Balances of Surplus Revenue that appear in the accounts transmitted to England of the Colonial Receipts and Expenditure real and effective balances in Cash ?

Answer. I imagine the Surplus Balances really to have existed, or the accounts which showed such Surpluses must have been incorrect, which I have no reason to think they were, but as the Accounts took some time after the 31st December to make up, and as the Expenditure of the ensuing year was considerably gone into previous to the difference between the Receipt and Expenditure of the foregoing year having been ascertained with precision, I am not aware that it was practicable accurately to determine this point.

25th. Have the Instructions furnished by the Lords Commissioners of His Majesty's Treasury in the year 1816 for keeping the Colonial Accounts been adhered to, or have any, and what parts of them, been found to be inapplicable ?

Answer. If by this query it be meant to enquire whether

the forms furnished by the Treasury in making up the Colonial Accounts have been adhered to in the Colonial Office, I may I believe answer this query in the affirmative; but if it be meant to enquire, whether the Treasury Instructions have been attended to in the Expenditure of the Public Money, I must have great hesitation in doing so. And, here it is that it will immediately occur how important it would have been to have put this Interrogatory to me when I had access to those Official Documents which would have enabled me at once to elucidate the various instances in which I apprehend the Instructions have not been adhered to, in which they are irregular and unauthorized. I am not aware that there is the sanction required by the Instructions for a great part of the Expenditure on the Frontier, and for various other Expenditures. I believe great irregularity to have prevailed in the payment of the Expences of that useless and extraordinary burthen to the Colony, the Cape Corps, which ought to be paid on the footing of a British Corps, but in the payment of which many Items have been falsified, and many circumstances have occurred which would not have been overlooked by the Strict Audit of the War Office. To the incapacity or Sycophancy of the Audit, or to both, are to be in a great measure attributed any irregularities in the Public accounts, irregularities which will not be checked by Colonial Regulations, nor until such time as the Auditor receiving (as the Military Commissary of Accounts does) his Instructions from Home, he is debarred the hope of receiving Colonial favours or appointments, and is thereby rendered independent on the Local Authorities. The only part of the Treasury Instructions which I am aware (from recollection) was considered inapplicable to this Government was that which required the District Accounts to be forwarded to the Office of Colonial Audit in England, the members of the Board of Landdrost and Heemraden of the Country Districts are unpaid functionaries, and generally ignorant, tho' well meaning Farmers, who administered to the best of their abilities the trifling District Funds which are placed under their control; the Audit of the Colony appeared sufficient check upon these Individuals; to subject their inaccuracies, if there were any such, to the perils of so severe a censorship as that of the English audit seemed cruel and

unjust, and it was therefore represented in this light to the Secretary of State, and that part of the Instructions was not given effect to ; it was supposed that no Inhabitant would sit at a Board which without Emolument should subject him to such an Ordeal, and his Property to such danger.

26th. Has it been customary to make advances from the Colonial Treasury on account, during the progress of Public works and before the accounts could be made up and audited ?

Answer. The pernicious and illegal practice alluded to in this question has crept in within these few years, I cannot state when it first began, but it was I believe with the confidential employment of W. O. Jones. This Man has had large advances made to him to carry on works which he, as Inspector, ought solely to have superintended and checked ; this great irregularity was the subject of much uneasiness to me, and I frequently represented to the Receiver General the danger he was personally exposed to in complying with the Governor's verbal orders, by advancing these large sums to W. O. Jones, it being contrary to the Receiver General's Instructions to issue monies unless upon regular Warrants signed by the Governor and countersigned by the Secretary, and contrary to the Governor's Instructions to draw from the Treasury as above described. The Receiver General was certainly perplexed, but he appears to have preferred the risk, to the certainty, of ruin had he refused to comply with the unjust and illegal requisition ; the advances amounted at length to the large Sum of Rds. 95,000. I then spoke to the Governor on the subject, seeing the ruin which impended over the Receiver General, and I obtained a temporary Warrant to cover the issues which had been made. This was one of the last things in which I officially acted. In order to explain the pernicious effects of this innovation, I shall bring to notice two circumstances : the first relates to the expenditure on the Government Cottage in Grave Street ; this Building ought to have been commenced and carried on upon a plan and estimate sanctioned by the Secretary of State, it was neither estimated nor approved ! but it was carried on by W. O. Jones by means of advances ; when the work had proceeded very far, seeing that it was very expensive, and likely to be more so, I suggested calling upon W. O. Jones for the accounts, which having been

approved, I required him to furnish them to the Office. He however delayed doing so, and having met him, I urged him to make them out, which circumstance he must have reported to the Governor, as, at my next interview with his Lordship, he spoke of it with great irritation, and then said that he would have that outlay blended with the general account of repairs of the Government House; that calling for these accounts was only done to bring censure upon him. Thus, contrary to all regulation, no entry of this large item of Expenditure appeared in the Colonial Accounts when I left the Office; nor was any entry made of the Expenditure for the Marine Villa at Camp's Bay, (which is the second case I alluded to) previous to that period; that building was likewise erected by W. O. Jones by advances from the Treasury for its execution. Thus will it ever be found impossible to have correct accounts of these Heads of Expenditure; vouchers may be composed to answer the Treasury Forms, but it would be absurd to consider such as meeting the spirit of the very precise Instructions of His Majesty's Government.

Should the Commissioners choose to compare this Statement with those Instructions and with the Oath taken yearly by the Governor, it will be unnecessary to comment farther on it! Lord Charles Somerset may now affect to regret having placed so much confidence in W. O. Jones; but was Lord Charles Somerset ignorant of the character of W. O. Jones? did he not know *who* W. O. Jones was? and may it not be inferred that *therefore* he gave him confidential employment? Such men as W. O. Jones, W. Bird, Old Paine, W. Proctor, H. Rivers, P. Poggenpoel, M. Horak, W. Parker, and others appear to have been the only sort of persons worthy of the confidence and friendship of Lord Chs. Somerset.

27th. What reasons may have existed for exempting the Accounts of the several Districts from examination and Audit by means of Vouchers?

Answer. I know of no reason which exists for the practice herein adverted to, I know that the order for auditing the District Accounts directs them to be audited "as other accounts are audited." How accounts can be said to be audited without vouchers I am incompetent to explain, it appears to me to be a Paradox which the Auditor may perhaps be able to solve.

[Original.]

Letter from MR. BISHOP BURNETT to EARL BATHURST.

6 DUKE STREET, WESTMINSTER, 28th April 1825.

MY LORD,—As the important measures now before Parliament must necessarily have occupied a great portion of your Lordship's time, I have troubled your department as little as possible.

I now beg leave to address your Lordship on the subject of my grievances in a spirit bearing no hostility to anyone whatever ; but, on the contrary, rather inclined to submit to the greater portion of the injustice and persecution so long heaped upon me, if I can but obtain the slightest concessions of redress.

I feel persuaded I sit prejudiced in your Lordship's opinion, from causes that would cease to operate if your Lordship knew me better ; it would be then perceived that what is termed intemperance in my language is only a characteristic energy of expression as little intended to be offensive as it is inveterate : my very appeal to your Lordship and the confidence I have expressed in its successful issue must be confirmatory of this assertion, for while contemplating an act of justice, and consequently of kindness, at your hands, I must be a madman to defeat my own object by the commission of offence.

To intrude as little as possible upon your Lordship's time, I shall only briefly observe that I have not the slightest wish to give trouble, or make my grievances a theme of public discussion ; and that I only ask of your Lordship to extend the same liberality to me the other suitors from the Cape have experienced.

I have only to add that if your Lordship will do me the favour to allow me half an hour's interview, I feel persuaded that my case will be adjusted forthwith. I have &c.

(Signed) B. BURNETT.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 29 April 1825.

MY LORD,—I transmit to your Excellency herewith enclosed a copy of a Petition which has been presented to the Lords Commissioners of His Majesty's Treasury by John Milner of London praying relief on account of the injury which he has sustained by the judgment awarded against him in an action instituted at the suit of the Lessee of the Bird and Chouan Islands.

I have directed the Petitioner to be informed that the relief which he seeks, if he be entitled to it, cannot be obtained unless by appeal to His Majesty regularly prosecuted in Council. Nevertheless as there are some points in the Petitioner's Statement which have appeared to me peculiarly deserving of consideration, I have to instruct your Excellency to transmit to me a full report on the case which formed the subject of his controversy with Korsten, the Lessee of those Islands. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., *to the* REVEREND WM. GEARY.

DOWNING STREET, 29th April 1825.

SIR,—I have to acknowledge the receipt of your letter of the 20th instant, enclosing an account of the expences incurred by you in removing yourself and family from Graham's Town to this Country.

The claim which Lord Bathurst has undertaken to take into consideration, and upon which I had requested you to transmit the requisite details, refers solely to the expenditure which you might have laid out in improving the house occupied by you in Graham's Town. The expences incidental to your removal are not of a nature to entitle you to any pecuniary indem-

nification from His Majesty's Government, more particularly as it appears that you have received an advance of £100 to defray the expence of your Passage home. I am &c.

(Signed) R. W. HORTON.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 30 *April* 1825.

MY LORD,—I have the honor to transmit herewith a copy of a Treasury minute under date of the 25th Ultimo, expressive of the views which have led the Lords Commissioners of His Majesty's Treasury to desire that arrangements should be made for issuing in future through the Commissariat Department stationed at the Cape all such allowances as may be payable out of the Colonial Treasury to Military Officers, and I have to desire that your Excellency will give directions accordingly.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 30 *April* [1825].

MY LORD,—Mr. George March now a Resident at the Cape of Good Hope having been recommended to me as an intelligent and respectable person, who is anxious to obtain some employment under your Excellency's Government, I beg leave to acquaint your Excellency that if an opportunity arises for availing yourself of Mr. March's services I shall be glad if you can assist his views of obtaining employment.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 30 April 1825.

MY LORD,—I have laid before the King your Excellency's dispatch of the 21st December last, with the Memorial therein enclosed from the Scottish Presbyterian community, in which they request pecuniary assistance towards building a Church, and I have received His Majesty's Commands to signify to you His Pleasure that in the absence of any Estimate of the Expenditure of the building your Excellency be prepared to assign for that purpose a sum equal to one third of what upon an estimate of a plan first approved by you, may appear to be requisite to accomplish the views of the Scottish Community, it being however understood that in the event of the expenditure exceeding the estimate, the Individuals who may undertake the building and not the Public are to be responsible for its completion.

Your Excellency will also signify His Majesty's Pleasure that he is pleased to assign to the Officiating Minister the sum of one hundred pounds per annum in addition to what may be given by the Congregation. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., *to the* COMMISSIONERS OF ENQUIRY.

DOWNING STREET, LONDON, 30 April 1825.

GENTLEMEN,—I am directed by Earl Bathurst to transmit to you enclosed a Memorandum of the Regulations which have been adopted with respect to the grant of lands in New South Wales and Van Diemen's Land, and I am to request that you will give your attention to the subject with the view of considering whether it may not be practicable and expedient to regulate upon similar principles the grant of lands at the Cape of Good Hope. I have &c.

(Signed) R. W. HORTON.

[Copy.]

*Letter from the Landdrost and Heemraden of Stellenbosch
to the Secretary to Government.*

SECRETARY'S OFFICE, STELLENBOSCH, *April 30th 1825.*

SIR,—We the Board of Landdrost and Heemraden, having at our last monthly meeting taken into our serious consideration the present state of apprehension and alarm that seems unhappily to be pervading the minds of the Inhabitants of various parts of this District, and anxious as far as in us lies to take every step that might tend to calm and tranquillise the same, we beg in the most respectful manner to suggest to His Excellency, to supply us with a certain quantity of ammunition and a certain number of Firelocks for the use of the District, all of which would be under the immediate Superintendence and distribution of a Commission of this Board, and if it should meet his Excellency's approbation, we would propose disposing of them in the following manner :

The ammunition for the use of the Field-cornets, to be given and regularly accounted for.

Twenty-five Firelocks for the use of a certain number of steady and respectable Burghers of this Village, who might immediately be brought into action in any unexpected case of necessity.

Living as we do, Sir, in various and distant parts of this populous and extensive District, it is impossible for us to avoid observing the feelings of insecurity, and alarm, that at present affect the community with regard to the Slave population, it becomes our duty as Guardians of the public Welfare, to notice it to His Excellency, and we have to entreat that His Excellency may not deem us intrusive in so doing. We have &c.

The Board of Landdrost and Heemraden.

(Signed) D. J. VAN RYNEVELD, Landdrost.

P. C. VAN BLOMMESTEIN, Secretary.

[Copy.]

Letter from the REVEREND W. R. THOMSON *to*
JOHN GREGORY, ESQRE.

CHUMIE, 30th April 1825.

SIR,—It is impossible to give an Estimate with any degree of accuracy of the Ghona population scattered throughout this Country. Under T'Slambie and Pato they are somewhat numerous, with Enno and Botman they are less so, and those belonging to Gaika are comparatively few. In condescending upon any number, perhaps from One fifteenth to One Twentieth might be the nearest average, estimating the population of the Country included within the boundary of the River Kei, and under the Sovereignty of the above named Chiefs on the lowest calculation at Eighty Thousand. Hinza's Tribe lies principally beyond that, and is somewhat numerous, contained in it there are a few of the race alluded to, but more Bushmen. With the dependent Tribes of T'Slambie under his Sons Bughu and Jaluza, in the same neighbourhood there is a considerable proportion of Ghonas and fewer Bushmen. Many of these people however were, I believe, previous to the period to which you allude, living in the same way as the other natives, under Kaffer Chiefs, and in fact there are many of them who have never had any intercourse with the Colonists as servants, while on the other hand, many of those who may be denominated pure Kaffres engaged themselves in the service of the Boors, but they as well as the Ghonas so engaged still considered themselves, and actually were, the Subjects of Kafferland. They became so by conquest at a remote period, originally they were a distinct Tribe of Hottentots, but since their subjugation have been gradually amalgamated with the native population, so that now by intermarriages and the universal adoption of the modes and customs of the country, the distinction is in a good measure lost.

At the period the Boors were in the habit of hiring these people, the Commissioners are no doubt aware that they were living in close neighbourhood, and in many Cases the native Kraals were even established within the limits not only of the Colonial Boundary but also of the Boors' farms.

The habits and dispositions of the natives inhabiting these Kraals and more especially such individuals as engaged in Service, would to a certain extent be modified by the necessary intercourse which would take place. I am not prepared with facts to say that the population placed in these circumstances did make improvement, or that a favorable Change was produced, no doubt a few instances might be pointed out of individuals who have done well, but allowing the improvement to have been more general than I feel disposed to admit, it has been more than counterbalanced I think by a depravity of moral feeling and arrogancy, very different from the indigenous native, and which I am not able to trace to any other Source.

After the final separation of these people from Colonial intercourse, at a later period than that referred to in your Letter (at the termination of the last war with T'Slambie) they universally returned to their original habits, so that now there is little to distinguish them from their neighbours more than I have already noticed with a smattering of the Dutch Language which they have acquired. Some circumstances however I may mention from which it may be supposed that their abandonment of the acquired habits of civilized life has been influenced by the circumstances in which they were placed beyond the means of supply, and also from a deference to the public taste and opinions of their Countrymen.

You will perceive that at the first establishment of this Institution, the greater number who came were of the Ghona Race. I understand the same took place in the establishment of the late Mr. Williams, and the Remark is also applicable in the cases of the Reverend Messrs. Shaw and Ross ; this would seem to indicate a desire on the part of these people to return to the habits acquired in the Colony. I must do them the Justice also to say that I have generally found them the most forward to adopt improvements so far as circumstances enabled them, and to appear superior to the Native Kaffer. I am coming to the question as to the means and practicability that may at present or eventually exist of readmitting individuals of this Race into the Colony, I feel considerable hesitation and would therefore submit an Opinion with the utmost deference.

If I am correct in my estimate of the capabilities of the pure Kaffer, contrasted with the Ghona, there will be no impropriety in embracing both in whatever arrangements may be proposed or adopted.

The practicability of the object will depend upon the means pursued to attain it. If it be proposed to abstract and alienate the people entirely from their Country and from their Chiefs, so as to become absolutely and permanently Colonial Subjects, Success cannot be expected. The people would not desire it, and the chiefs would naturally oppose it, as far as in their power. To remove them by a whole Tribe or Tribes to the interior of the Colony might be accomplished, but would not I think on the part of Government be either desirable or safe.

The general principle I would propose is short Contracts, and permission to return to their Country and friends on their expiry. The reasons which induce me to propose it in this form are, the previous habits of the people are unfavorable to a State of constant active Employment. I might illustrate this from my own experience during Three Years and a half that I have been in the Country. I have had three or more Servants at a time upon yearly engagements, but in only one instance have I succeeded in retaining them the second year, though I feel conscious of possessing the attachment of all, and the others whom I hire by the week, five or more daily, soon flag or grow weary, so that I am obliged to change them in a few weeks, though it is not uncommon for them to return in less time requesting to be re-employed.

Another reason : They would be obliged and would from choice leave their families and Cattle at home. I need not illustrate how such objects would lead them back. Also the Chiefs would I apprehend be more likely to promote the design when they knew that their people would return soon from the hope of sharing the reward of their Labour.

If arrangements were made on this principle, I feel confident that many would gladly enter the Service of the Colonists. I am aware that such short Contracts would in general be inconvenient to the Employer, but we can only comfort ourselves with the hope that a better disposition may arise out of them. One great objection which may be urged against any plan that

can be proposed is the danger to be apprehended from the introduction of improper Persons into the Colony. Though I cannot say it is without foundation, yet I would submit the following Observations in connection with it. That I have never found any in my Employment unfaithful, they may have pilfered, but not to my knowledge. That if the Chiefs were made interested the power which they had over the property left here of the individuals going into the Colony, would in some measure be a prevention to Thieving while in the service of the Colonists, and besides if an experiment should be attempted, there are many precautionary measures which might be introduced in framing the arrangements, conducive to the safety of the employer. So far as the feelings and prejudices of the natives are concerned, the present time is much more favorable than two or three years ago. A progressively increasing Confidence towards the Colony has taken place, very different to what I have known. This favorable change I would attribute in part to the uniform System pursued by Lieut. Colonel Henry Somerset during the period of his Command on the Frontier: a System of rigorous justice, combined with kindness and affability, so that even in the merited case of the greatest severity his conduct received the approbation of the Country in general.

The Establishment of the Fair at Fort Willshire has also tended considerably to remove distrust and strengthen their attachment, particularly to the British population. At its commencement the Caffres thought it was merely a snare, or at best that they would obtain but a trifling return for the articles they might bring. I remember being present at its first establishment, and felt much disappointed by seeing the small number who crossed the River, even after great persuasion and encouragement. The Official Returns of Ivory &c. since bartered is striking proof of their change of feeling. The liberal principles upon which it is conducted and the fair upright dealings of the Traders, against whom I have never heard a reasonable complaint, even surprises the Caffres, being so different from the treatment they were accustomed to receive during their former intercourse with the Colonists. In conducting their Barter, I do not find that they manifest such a desire to obtain those useful articles of civilized life, conducive

to their own improvement, which might have been expected, and no doubt was a principal object in the establishment of the Fair. There are obstacles to this however, arising out of their original habits and customs, of which possibly you may not be aware, that will retard their progress to a state of civilization. Elephant Tusks form the only valuable article of barter. Of all that are killed, the right Tusk is uniformly considered the property of the Chief, and the other belongs to the person who first wounds the animal ; as there are many individuals employed in those hunting expeditions who mutually assist each other, it is expected that the fortunate person shall give a small portion of the produce to his companions, so that his own Share is much reduced, and he is disabled from purchasing clothing or other useful articles of any value. I may also observe that a Caffre is not naturally disposed to barter any articles which he considers to be substantial property in exchange for an Ornament or Luxury, however anxious he may otherwise be to possess them.

Clothing &c. are therefore of no real value in his estimation. Beads, Buttons, wire, &c. are indeed ornaments, but they subserve a double purpose, as they are convertible at any time into value, and constitute in reality the circulating medium of the Country. A partial change however is I think taking place. Blankets are now becoming common. Many of the chiefs having obtained clothes by various means, and some by purchase, appear to be partial to the Dress. Vanity may induce others to imitate their example, after a time what was considered a luxury will be felt as a necessary. The creation of one artificial want will be a stimulus to Industry, and thus in the progress of time and circumstances we may hope to see this wild but interesting people worthy members of Civilized Society. The only evil which I can perceive attending the fair is the number of loungers which it attracts.

I am sorry to say that from this circumstance many Gardens have not been cultivated, which is the more unfortunate, as much corn has failed by reason of drought, and to this may be added the Corn which has gone to Market.

Should I not have been sufficiently explicit in this Letter, or should there be any further enquiries suggested by the

Commissioners arising out of these Statements, I shall be glad to be honored with your requests. I have &c.

(Signed) W. R. THOMSON.

[Original.]

*Letter from MR. BISHOP BURNETT to R. WILMOT
HORTON, ESQRE.*

6 DUKE STREET, WESTMINSTER, 30th April 1825.

SIR,—I return herewith the first of the two letters under date the 9th Inst. in compliance with your request.

I never intended in the slightest degree to insinuate that Earl Bathurst glanced at the possibility of my “intentionally transmitting him imperfect Copies of the proceedings upon my trial.” I merely disclaimed some imputations that were not strictly founded.

I trust his Lordship will yet perceive that in estimating the character of a Trial like mine, where no evidence is adduced for the prosecution, the act of accusation, the public prosecutor’s arguments in support of it, the defence and the sentence, are all that can be required to the strictest appreciation of its merits. This I have laid before his Lordship complete and authentic : formally, legally, and officially avouched. The Court of Justice merits a harsher censure than that upon its Commissioners so despotically productive of my banishment.

If documents issued officially are to be inoperative where alone they are intended to be serviceable, what may with propriety be said of a department that furnishes blank paper to the subject at exorbitant charges, merely to delude him ? besides, if no report of my trial can, under any circumstances, as you state be received as official, unless direct from the Court of Justice to your department, why did Earl Bathurst make the contingency of my having a Copy with me the Subject of consideration at all ?

In a case of such unparalleled persecution as mine, I did expect from the justice of His Majesty’s Government something like an initiative to redress ; on the contrary nothing is con-

ceded to the palpable glare of its enormity, but every advantage is taken of the little moles which faintly obscure its lustre.

With all possible respect to Earl Bathurst, I now take the liberty of definitely asking whether my illegal sentence of banishment from the Cape is, or is not, to be forthwith remitted. The receipt of your answer Sir will enable me, I trust, to relieve you from the further importunities of my correspondence. I am &c.

(Signed) B. BURNETT.

[Original.]

Memorandum of LORD CHARLES SOMERSET upon MR. WILMOT'S Memorial.

It would be irrelevant to enter upon the discussion of the private feuds that subsisted between Mr. Willson and his Party, or to advert to the terms upon the compliance of which he insisted on the part of such as had concluded an agreement with him in England any further than they relate to the interference of the Colonial Government on these occasions. The faith pledged in the assurances given to the Settlers will be found in this as in all other cases to have been strictly maintained, and it will be seen that the extraordinary indulgences shewn have been dictated by that spirit of liberality which actuated the local Government in regard to the interests of the Settlers.

With the view of enabling your Lordship to appreciate the merits of Mr. Wilmot's complaints, I beg to refer your Lordship to annexures Nos. 1 and 2, being the replies given by the Provisional Magistrate of Bathurst and the Landdrost of Albany at the time, and which I found necessary to call for, in refutation of such points contained in Mr. Wilmot's Statement as advert to measures executed under their authority, which involved the interests of the complainant.

Art. 1. From the situation of the Brak River it was obligatory upon the Revd. Mr. Boardman, who took charge of the Location upon Mr. Willson's abandonment of it, to extend the allotments considerably to the rear, in order that each might have the

advantage of water. The impartiality of the distribution was admitted, since no complaints of injustice in the division were made which could lead to a different conclusion. The assurance given as to the extension of these allotments rested upon a contingency beyond the control of the provisional Magistrate, and it does not seem that he held out any certain expectation of that contingency being removed.

No objection would have been raised by the Government to the Messrs. Wilmot receiving their title to the Land upon which they had resided for the term stipulated in all grants made in the Albany District, had the issue been recommended by the Landdrost, but, as in a general report made by Mr. Rivers, of which a printed Copy is enclosed, no testimony was borne to the industry of the Parties, sufficient grounds did not exist for placing them on a footing with those who had manifested a greater degree of exertion in the cultivation of the Land assigned to them.

Art. 2. In common with other Individuals there is no doubt that the Messrs. Wilmot suffered by the floods of 1823, and that their Lands received damage, but is it to be therefore urged that they were compelled to quit a Location upon which they assume to have expended a considerable Sum, and to hire a place elsewhere.

Unproductive as the situation might have been, the outlay of so considerable a sum must have contributed to its improvement under any circumstances, and rendered it preferable to a location to which they would be necessitated to bring all their resources to bear.

Art. 3. Mr. James Wilmot made application to me for a grant of land in the Grobbelaar's Kloof in lieu of his original Location, but as the ground had been reserved for Government purposes, and was not disposable, I directed an answer to be given to him to that effect on the 16th April 1824.

Arts. 4 and 5. The Colonial Government has given ear at all times to solicitations emanating from any quarter, and has never stooped to show distinction to one Individual to the exclusion of the just right of another. The endeavours used by the Messrs. Wilmot to establish a Settlement are unknown to me, nor am I aware of their having ever applied for any grant of Land save that at the Grobbelaar's Kloof. Their

application, if made, would have been referred to the local authority, as is usual in such Cases, and the grant would have depended upon his report.

Their claim to the Land upon which they were originally placed, though not established, would have been admitted by the Colonial Government ultimately, had they continued upon it, but having abandoned the location they ceased to have any right to its title.

“That there are persons holding from four to five extensive places in Albany, some of which they have had granted after they had disposed of prior grants for large pecuniary considerations,” is a bare assertion unsupported by any fact, and not borne out (that I can ascertain) by any instance of the kind.

Art. 6. Annexure No. 4, which is Mr. Thos. Willson’s account with the Commissariat Department for issues made to his party, will show that there is a balance against them for supplies for Rations and other articles amounting to Rds. 17,054 2 *sk.* 3½ *sts.*, and that the Messrs. Wilmot therefore conjointly with the Party are indebted to the Commissariat on this account.

Art. 7. The Cattle recaptured from the Caffers were invariably distributed among those who had suffered by the Depredations committed, in proportion to the loss sustained. It is so far correct that 7000 head of cattle were taken from the Caffers on the 4th December 1823, but the annexed return will shew that 1753 only were retained for disposal, the remainder having been returned to the Caffers, it being a principle followed up by the Commandant of the Frontiers not to take more cattle than can be traced to their particular kraals.

Colonel Somerset’s letter covering the return alluded to explains satisfactorily the reasons which prevented the claims of the Messrs. Wilmot from being satisfied at the time. Annexure No. 7 is a return of the Cattle captured between 20th October 1823 and 20 December 1825, and No. 8 the receipts of the parties among whom they were distributed. Had a sufficient number been retaken in order to being placed at the disposal of the Landdrost for distribution, the Messrs. Wilmot would have received their share, but it will be seen from annexure No. 9 how inadequate the number retaken was for indemnifying

the sufferers, since at this moment claims for 5061 head of Cattle stolen by the Caffers still remain unsatisfied. Upon the representation of the Messrs. Wilmot of the loss they had sustained in six oxen by the alleged negligence of the Under-sheriff at Graham's Town, they received a remuneration from Government of Rds. 500 or £37 10s.

Art. 8. The complaints that were frequently urged of the violation of the contracts entered into between Master and Servant, and the disregard paid by the former to the obligation to which he was bound, rendered it compulsory on the part of the Provisional Magistrate, as the only means of preserving the public peace, to dissolve the engagements made in cases where no amicable adjustment could be effected ; and in the present instance it appears that the arrangement was voluntary, and not an arbitrary act on the part of Captain Trappes.

Even supposing the matter to have been judicially decided, the Superior Courts of Law being open to the party aggrieved, an appeal from the sentence pronounced would have been entered had redress for any injury been sought, but the acquiescence at the time of the Individuals who abided in this decision argued their tacit concurrence in the measure.

Arts. 9, 10 and 11. The case here alluded to by Mr. Wilmot is fully explained in the letter from the Gentlemen composing the Commission of Circuit at the time his complaint was preferred. As Plaintiff he had failed in substantiating his charge against any particular Individual, a circumstance of itself sufficient to annul all further proceedings, independent of the value of the Oxen, the recovery of which he sought, amounting to less than Rds. 300, to which extent a Civil case is in the first instance cognizable by the Board of Landdrost and Heemraden of the District in whose jurisdiction the Plaintiff resides.

The advice given to Mr. Wilmot to prosecute his complaint before the Board was founded therefore upon principles of sound justice, and was consistent with the Law of the Colony, and his reason, grounded upon this advice, for not commencing legal proceedings against Captain Trappes, in breaking through the engagements alluded to in Paragraph 8, admitting his statement to be correct that their dissolution was judicially effected, can only be viewed as an attempt to

give a colouring to his case, and an excuse for his omission to appeal from the sentence passed by that Magistrate.

The Messrs. Wilmot having therefore abandoned the Location upon which they were originally placed, being indebted in a considerable sum to the Commissariat conjointly with the remainder of the party for Provisions issued to them, having moreover received from the Colonial Government, a Sum of Rds. 500, or £37 10s., as an indemnification for the loss of the cattle they allege to have sustained, which they themselves estimate at £30 only, and having neglected to appeal from the Sentence passed by the Provisional Magistrate at Bathurst, dissolving the engagements entered into of Master and Servant, it is submitted to your Lordship what consistency and what veracity pervades the statement made by Mr. Wilmot, and with what justice the claim can be admitted which he now sets up for indemnification for the injury he affirms his interests and those of his brother to have sustained by the acts of the Colonial Government.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Proclamation by HIS EXCELLENCY THE RIGHT HONORABLE GENERAL LORD CHARLES HENRY SOMERSET, one of His Majesty's Most Honorable Privy Council, Colonel of His Majesty's 1st West India Regiment, Governor and Commander in Chief of His Majesty's Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commander of the Forces, &c., &c., &c.

Whereas His Majesty has been graciously pleased, by Instructions issued under His Signet and Sign Manual, with the Advice of His Privy Council, bearing date at Carlton House, the Ninth Day of February, 1825, to order and direct that a Council shall be established in this Colony, to advise and assist in the Administration of the Government thereof :—

And whereas His Majesty has signified His Pleasure that the said Council shall be composed as follows, viz. :—

President.

His Excellency the Governor, or the Officer administering the Civil Government of the Colony, for the time being.

Members.

The Chief Justice,
The Colonial Secretary,
The Officer next in Command, for the time being, to the
Commander of the Forces,
Lieutenant-Colonel Bell,
Walter Bentinck, Esq., Auditor-General,
J. W. Stoll, Esq., Receiver-General.

I do hereby make known and publish the same for the Information of all the Inhabitants of this Colony, and of all others whom it may concern.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 2nd Day of May, 1825.

(Signed) C. H. SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 3rd of May 1825.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Despatch of the 5th of January last, transmitting a legal Instrument sent to you by His Majesty's Charge d'Affaires at Frankfort, with the view that the Signature thereunto affixed may be duly verified, and I do myself the honor to return to Your Lordship the Document in question certified by me. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* R. WILMOT HORTON, ESQRE.

CAPE TOWN, 3rd May 1825.

SIR,—Referring to our report dated 21st Ult. upon the appropriation of the money advanced by the British Government for the relief of the Inhabitants of this Colony in 1822, we have the honor to transmit herewith a perspective Elevation of the Landdrost's house recently erected at Worcester, and request you will be so good as to add it to the documents which accompanied our report.

The drawing now forwarded was not completed until yesterday. It would otherwise have been sent with the other documents by the mail of the *Rose* that sailed last week.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

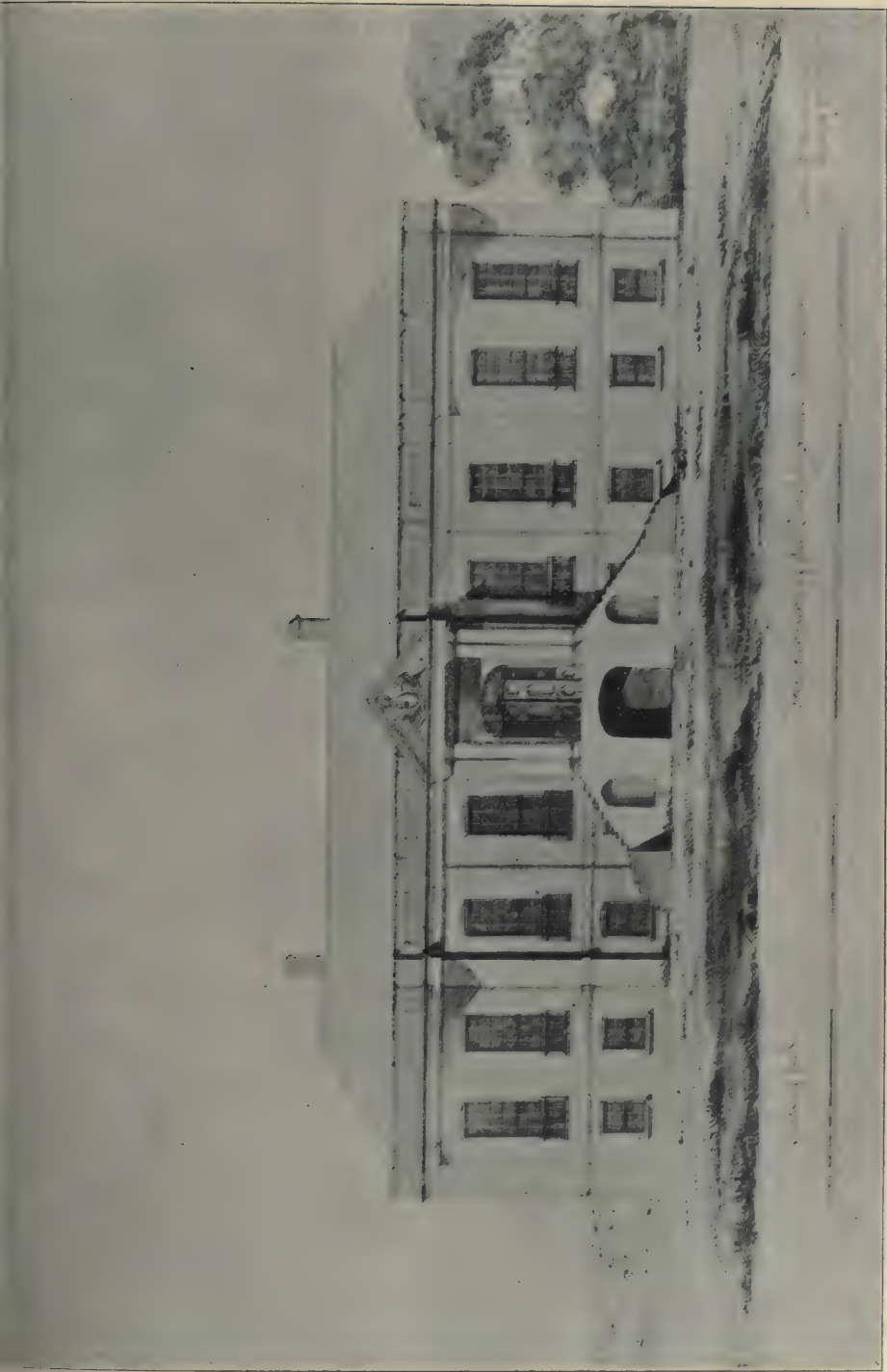
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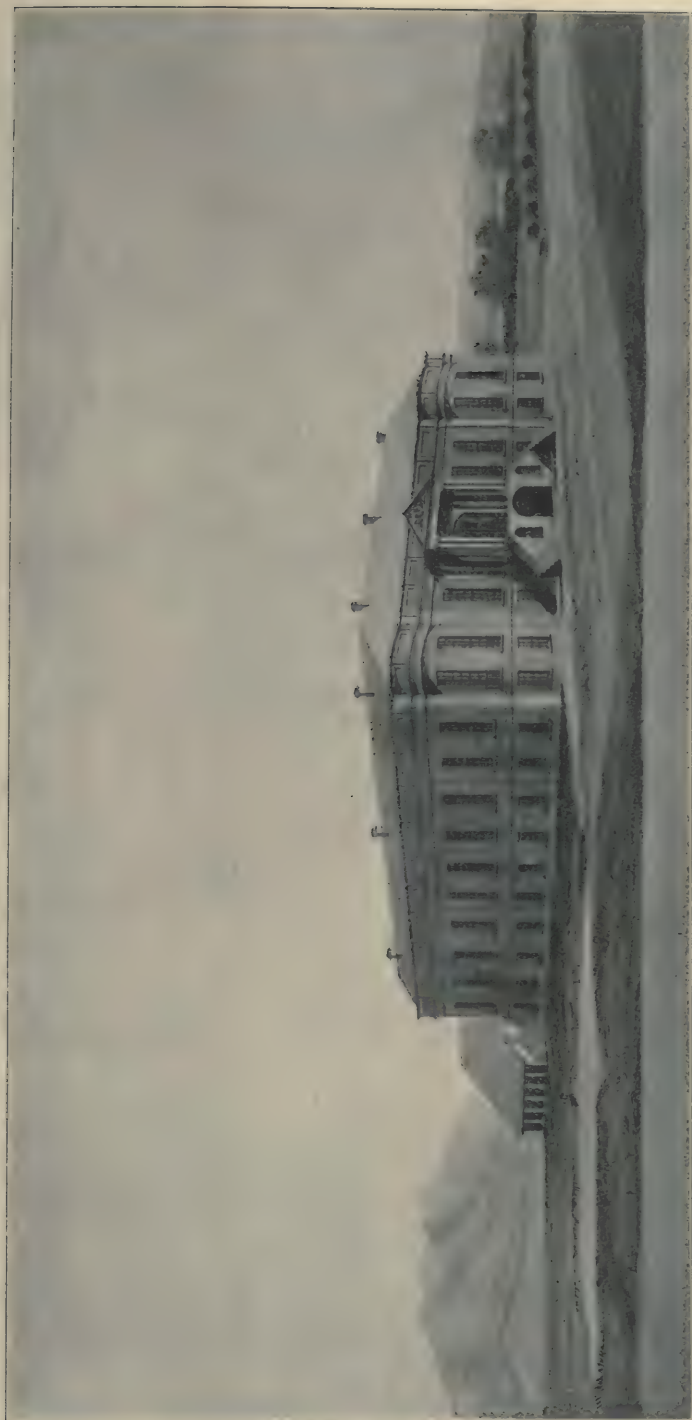
Letter from the EARL OF CALEDON *to* R. W. HORTON, ESQRE.

ST. JAMES'S SQUARE, 3rd May 1825.

MY DEAR SIR,—I have lately received a letter from Colonel Bird written under considerable uneasiness and making a request which I can best explain by giving an extract from his letter. It is nearly as follows :

“ One act of justice might still be done me and perhaps your Lordship's kind interference may effect its being so done. Mr. W. Horton told your Lordship I was removed in no spirit of hostility, the mode in which my removal took place does not correspond with that assertion. If he feels justified in what he said to you, can there be any reason why such documents from the Secretary of State's department should not be given to me as shall prove to my friends that I meritoriously served Government for 31 years. This I think due to me whether I am or am not provided for. After all, what is the





[illegible]

Pt.

Plan of the new proposed town upon and near the highway named "Longe Bay & Broad H ^y " situated at the other end. 400 Acres Roads or island being the extent of land by lot. 1412 Feet in length 8000 do in breadth 1412 " " " " " " " " 100 Feet the Breadth of the main street 80 " " " " " " " "
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bread which may be proffered to me in comparison with that character for integrity, assiduity, and a faithful discharge of every public duty, which it has been the study and practice of my long life to uphold, but which character I now feel to be unjustly compromised. To your Lordship's kindness I commit this last request and truly hope this may be the last time I shall have to write to your Lordship on my unfortunate case."

I am aware that a certificate of Colonel Bird's meritorious services for 31 years cannot be given from the Colonial Office, as his services were not confined to the Colonies, but if Lord Bathurst does not object to give a document to the effect Colonel Bird requires for the period of his holding office at the Cape, it will very much tend to alleviate the poignancy of his feelings. I remain &c.

(Signed) CALEDON.

[Copy.]

Note from CAPTAIN CARNALL to R. W. HORTON, Esq.

64 LONG LANE, BERMONDSEY, 3rd May 1825.

Captain Carnall begs to inform Mr. Wilmot Horton that he has arrived from the Cape of Good Hope, under sentence of banishment for five years ; and begs Mr. Wilmot Horton will have the goodness to appoint a time when it will be convenient to receive him.

[Copy.]

Letter from MR. JOHN CARNALL to R. WILMOT HORTON, Esq.

LONG LANE, BERMONDSEY, May 3rd 1825.

SIR,—I beg leave to enclose you, for the information of Earl Bathurst, a Diary of the treatment I have received at the Cape of Good Hope, on a charge of having aided in the escape of a person named Edwards, then about undergoing his sentence of transportation to New South Wales for writing Lord Charles Somerset a letter. I am &c.

(Signed) JNO. CARNALL.

[Enclosure 1 in the above.]

MR. JOHN CARNALL'S *Journal*.

Friday, 17th September 1824.

I recollect at my place near Wynberg a number of persons coming on horseback, or in waggons or carts, as it appeared to me in coming out of my door ; but I had not time to speak before I was seized by four or five persons, stating that I was their prisoner, and on a pretence that I had assisted a Mr. Edwards in his escape from a sheriff's officer ; with that they bundled me into a cart or waggon, I cannot say which, and drove off furiously towards Cape Town Trunk with me. I certainly remonstrated a little, seeing I was to be made a criminal prisoner of ; but was seized again by three or four more, and told, if I did not go in quietly, they would tear me in pieces ! I certainly thought it best to go in alive ; though, a few moments after, a dirty filthy matrass, and two pieces of old blankets, were thrown into me they said to sleep on ; I looked at them, and saw they were full of bugs and lice, of a kind I had never before witnessed the sight of, which quite overpowered me, and I fell down. I had two fits that night, and obliged to walk my cell all night, or suffer myself to be devoured by vermin, in lying down on the filthy things on the stones.

Saturday, 18th September.

Day-light : dreadful cries of flogging ; from the cries, I think five or six were flogged. Applied for the doctor ; at 11 A.M. doctor came ; informed him of my situation last night ; he asked a Mr. Bamberger the gaoler, if he could not allow me a stretcher to sleep on ; he, the gaoler, then ordered me one that was always used to lay the dead bodies on, that were picked up by the watchmen, or died in the prison of various diseases ; but I had still the same bedding ordered to remain. Doors not opened, only to give in a little water and empty the excrements ; consequently I was obliged to walk the room again all night ; received nothing from the doctor, though he promised to send me Seidlitz powders and leeches for my temples. A dreadful night.—Midnight.

Sunday, 19th September.

A dreadful cold morning. A fever and ague at intervals. A Hottentot boy hove out the filthy mattress and blankets at my request. At eleven o'clock visited by the doctor and gaoler; acquainted the doctor I had not received any medicine, as promised by him yesterday; he immediately went on the outside with the gaoler, where they had some private conversation, but I got no answer; doctor and gaoler left me. At noon some good fellow or other sent me in a bed and bedding; now I anticipated a good sleep to-night; went to bed at gun-fire. A little after, three persons entered my cell with leeches for my temples and Seidlitz powders to take, but no one would remain to put the leeches on, I might therefore have been as well without them; they left me about three inches candle for the first time. I again lay down thinking to sleep, but to my surprise, in about two hours afterwards, was dreadfully alarmed by something in my ear buzzing and biting most cruelly; jumped out of bed and found myself entirely covered with extraordinary large-sized bugs, lice and all sorts of vermin, such as I never before beheld; I therefore had nothing else to do but slaughter them as long as I had candle-light; but that being consumed in a quarter of an hour, and no light, my situation then was dreadful, nearly mad, as I could not put my clothes on, they being covered with filth. The walls at day-light in the morning were witness to the slaughter I had made in the night. On the walls, then, I began to examine where they could have come from; I perceived a great number running into the crevices at the upper part of the cell, but at last found that they had come from the stretcher that was covered with a bullock's hide, for the purpose before mentioned. Upon examining the stretcher more particularly, I found them to be very numerous on the under part in the hair, and the hide sewed round the frame. When the turnkey made his appearance as usual, about half an hour after gun-fire in the morning, I desired him to allow the Hottentot boy to remove the stretcher out of my cell, and take my bed and clothes out, and kill all the vermin that still remained on them, and which were no few. My room I then scrubbed and sprinkled with

the assistance of a Hottentot boy ; it took him nearly the whole of the day to clean my bedding, for doing which I gave him my provisions. At 11 A.M. the doctor and gaoler visited me ; I pointed out the stains on the walls where I had killed the vermin, and told how I had been situated ; having a dreadful head-ache, and otherwise unwell, the doctor thought proper to bleed me, which he did most copiously ; and ordered me to continue taking the powders, and bid me good morning and left me. This night slept middling, though my bed was on the stones, occasionally walking up and down the cell wishing for day-light.—Midnight.

Monday, 20th September.

Dreadful cries and flogging as usual at day-light. At 11 A.M. Dr. Liesching visited me ; ordered me a board to sleep on ; very ill ; taking medicine ; still in solitary confinement. At gun-fire went to bed ; horrid dreams ; fancied I saw the soldiers, dienaars, H.M. fiscal, gaoler, &c. as I thought at my house, murdering my wife and Mr. Edwards ; awoke and found myself walking the room ; *horribly afraid*. No light allowed in my cell.—Midnight.

Tuesday, 21st September.

Afraid to lie down ; had not the least feeling in my left hand and foot ; supposed it to arise from the frightful dreams I had experienced ; rubbing them, to cause the circulation of blood ; just found them a little better. As the rattling of chains round the convicts' legs rung in my ears, the turnkey opened the door as usual, pushed in a kitt of water, and locked the door again. I could not speak, being very ill indeed ; saw the doctor as usual, and I believe by his orders I was allowed candles by paying the turnkey for them. Though so very ill, was not allowed the least drop of wine or spirits of any kind ; nothing but water allowed. My provisions were sent in by a friend, but I was not allowed to have any communication, only by the turnkey or gaoler ; retired to bed at gun-fire ; walked the room the principal part of the night ; as usual very ill.—Midnight.

Wednesday, 22nd September.

Up at gun-fire, and washed myself with soap, being the first time I was allowed any ; very sick at stomach and vomited a

quantity of bile ; very buggy to-night ; visited by the gaoler, who came sneaking in and asked how I was : answered, Very ill, a pain in all my limbs ; he left me ; in about two hours after he returned, saying, the commissioners wished to see me below stairs. I waited on them. The secretary to the Court of Justice, with two members, read over an act of indictment ; viz,

“ To the Commissioners of the worshipful the Court of Justice of this Government.

“ Act of Indictment :

“ Be it hereby made known, That John Carnall, criminal prisoner, has become liable to the charges of having on the 17th of this present month of September 1824, in the forenoon between the hours of half-past nine and twelve o'clock, knowingly, willingly, and *malû fide*, aided and assisted the escape of William Edwards, a convict under sentence of transportation to New South Wales, while in custody of an under-sheriff and constable, on his way from Cape to Simon's Town, for the purpose of being embarked on board the convict ship *Minerva*, and of having for that purpose furnished him with a horse, saddle and bridle, with which he actually effected his escape ; which crimes, as tending to elude the ends of justice and to screen criminals from their well-deserved punishment, cannot be tolerated in a land where justice prevails, that on the contrary require to be most rigorously punished, according to the higher or less degree of the plot, and the enormity of the crime of the fugitive, and to deter others from similar crimes. .

(Signed) “ D. DENYSSSEN, Fiscal.

“ Fiscal's Office, 22nd September 1824.”

They asked for the names of my witnesses. Gave them the names as follows :—Captain John Alexander ; Mrs. Edwards, wife to the convict ; Miss Rentz, sister to Mrs. Edwards. Those were the persons I wished to be called on my behalf. They informed me that I was to be called into the court on the Saturday following, and bid me return to my cell, which

I did, escorted by two sheriffs and two constables. Nothing particular occurred ; retired to bed at gun-fire ; still taking medicine.—Midnight.

Thursday, 23rd September.

Up at gun-fire ; heard the rattling of chains ; the turnkey made his appearance as usual, to give a supply of water and take away the excrements. Doctor visited at 11 A.M., received a quart bottle of medicine from him. At noon five boys were flogged ; gun-fire retired to bed ; no candles allowed.—Midnight.

Friday, 24th September.

Day-light : flogging as usual ; this day nothing particular occurred.—Midnight.

Saturday, 25th September.

Up at day-light ; turnkey as usual ; sounds of flogging ; very anxious to-day, expecting to be called to the court.—Noon : much disappointed ; Dr. Liesching visited me, and said my trial was put off till Monday. I wished him to make application for me to be allowed to be shaved, having become quite a figure, and a very sore face and throat ; he promised me he would, and left me ; no communication allowed ; still in solitary confinement ; retired as usual.—Midnight.

Sunday, 26th September.

Day-light ; turnkey as usual opened the door for about five minutes to take out the excrements ; still not allowed to have either spirits or wine, though very ill. At noon doctor visited me for about two minutes ; door closed again ; retired as usual very unhappy.—Midnight.

Monday, 27th September.

Day-light : turnkeys as usual, and dreadful cries of flogging. At nine o'clock a messenger from the court desired me to prepare to appear in the court at ten o'clock ; a barber was sent in to shave me for the first time ; at ten messenger announced that my attendance in the court was necessary, in consequence of which I proceeded out with him and a sheriff to a private room adjoining the court-house ; remained in custody till about half past one o'clock. Messenger reported that I was to follow him to the bar. The usual ceremonies being read in

Dutch, they then proceeded to read the act of indictment ; they asked me what I had to say (by an interpreter) ; I pleaded, Not guilty. First witness was called in, a Hottentot boy, named Cupido ; was asked several questions, but they being put in the Dutch language I of course did not understand : in consequence of said Cupido being somewhat in liquor, the court trying him backwards and forwards in conversation and questions, which he answered so indirectly that they thought proper to dismiss him and close the court for that day, giving strict orders to the messenger that he should be treated well ; but strictly ordered them to see that he got no spirits or wine of any description. At about 4 h. 30 m. I was escorted back to my cell by sheriff and constable, dined, and retired as usual to bed.—Midnight.

Tuesday, 28th September.

Day-light : turnkey as usual, and flogging at eight o'clock. Messenger ordered me to prepare for the court. At ten o'clock was escorted as yesterday to the room adjoining the court-house. About one o'clock was called into the court : the ceremony in Dutch as yesterday being finished, proceeded to examine the above witness, Cupido : second witness, a Hottentot woman, named Lynjie ; continued examining the witnesses : 4 h. 30 m. P.M. closed proceedings for this day. I appealed to the court to know if I could not be allowed pens, ink and paper in my cell, which was on the following day granted. I also appealed to know if my wife could be allowed to see me ; that was also granted, but not without two sheriff's officers being present all the time ; returned to prison with the sheriffs ; was allowed a small bottle of spirits or wine in my cell for the first time. Retired as usual to bed.—Midnight.

Wednesday, 29th September.

At day-light the turnkey as usual appeared to sprinkle and scrub my cell ; my cell door allowed to stand open from sunrise till sun-set. At ten o'clock was escorted to the room adjoining the fiscal's office : at one o'clock was called into court ; the ceremony as yesterday read in Dutch, and proceeded to examine a number of persons relating to Mr. Edwards having made his escape from my place on a horse, by name

Whitefoot, my property. At five o'clock the court closed, and I escorted again to my prison by the sheriffs. On my arrival there, and having nothing to eat or drink nor any person allowed to fetch me any, I sent for Mr. Bamberger, the gaoler, and asked him the reason why no person was allowed to bring me any necessary provisions and drink up to my cell, as was allowed to be done by the court, I having made application for that purpose, which was granted me by the sitting commissioners, that any one should have access to me, meaning friends (without the instruction of any one else); he replied, that he was sorry that it had happened so to-day, but that he would take care that it should not happen again; with that he left me. In about half an hour afterwards he sent to me by one of his servants, a bottle of Cape wine, bread and butter and fried fish, and begged I would accept of it, as that was all he could do for me. Retired to bed as usual at gun-fire.—Midnight.

Thursday, 30th September.

Day-light; turnkey as usual; sent a note to the secretary of the court to be laid before the sitting commissioners.

[Copy.]

“To the worshipful the Court of Justice.

“SIRS,—His Majesty's fiscal said to me on the day I was taken into custody, that he owed me an old grudge on account of W. Edwards, and that I might depend on his paying me this time for all, if there was a possibility of doing it. I remonstrated with him a little respecting it, and assured him that I had had nothing to do with Mr. Edwards in any way or shape whatever, excepting so far as business required of me to do: he nodded his head and said, ‘Ah! that is very good.’

(Signed) “JOHN CARNALL.”

Retired to bed as usual.—Midnight.

Friday, 1st October 1824.

At day-light turnkey and flogging as usual; escorted to the court; the proceedings and examinations as before. My horse in attendance every day by H.M. fiscal's order: applied

to the court for permission for Mrs. Carnall to have free access to me without the intrusion of either of the sheriff's officers, which was granted me. The court closed as usual about half past four o'clock ; returned again to prison under the same guard ; nothing particular occurred ; retired to bed as usual.—Midnight.

Saturday, 2nd October.

Day-light : turnkey opened the door ; no attendance at court to-day on account of Miss Rentz not attending on Friday, she being on board the convict ship *Minerva* in Simon's Bay, with her brother-in-law and sister Mr. and Mrs. Edwards. Orders were given by H.M. fiscal to apprehend her and bring her by force from the ship. Retired to bed as usual.—Midnight.

Sunday, 3rd October.

Day-light : turnkey opened the doors as usual ; barber attended to shave me, not being allowed to do it myself. Three friends visited me to-day ; five o'clock, rainy weather ; at gun-fire retired to bed.—Midnight.

Monday, 4th October.

Daylight : turnkey as usual ; half-past seven hard rain. At ten o'clock guarded to the court as usual. Miss Rentz examined. At three returned to prison ; went to bed at nine o'clock.—Midnight.

(Copy sent to the Court.)

“ H.M. Fiscal, R.O. Prosecutor, *versus* J. Carnall, Defendant in Person.

“ May it please your Worships,

“ The arguments, claim and conclusion of H.M. fiscal being now concluded, I beg leave with all due submission to solicit the indulgence of the court for the period of seven days to prepare my defence, which I trust will not be deemed by the court an immoderate period in reference to the voluminous mass of evidence now lying on your table, independent of the arguments of H.M. fiscal, which it will be my imperative duty to answer, scrutinize and probe.

“As I am deeply and prominently interested in the result of this prosecution, and being at the same time convinced that it is the wish of the court that every unfortunate prisoner who may be arraigned at its bar should possess every latitude and indulgence in the preparation of his defence consistent with the peculiar circumstance of the case, I cannot but anticipate the favourable acquiescence of the court to this requisition.”

The court was cleared by the tinkling of a bell, for the purpose of the sitting commissioners to give judgment. In half an hour I was called into the court, and informed by the interpreter that the court had granted my request to allow me seven days. Retired to bed as usual.—Midnight.

Tuesday, 5th October.

Day-light : turnkey as usual ; flogging about five o'clock. At 9 A.M. barber called to shave me as usual, still not allowed to have my dressing-case. Slight rain ; at noon cleared up. Half-past one o'clock Mrs. Carnall visited me ; brought me necessary linen, &c., Mrs. Townsend furnishing me with all necessary provisions from her house in town. I was informed by Mrs. Carnall that Robert Taylor, formerly a servant of mine, had been robbing my premises of young pigs, fowls, eggs, &c. ; made application in writing to the landdrost, for the purpose of apprehending the same. The gaoler was sent to me by H.M. fiscal's orders to demand the sum of eighteen rix-dollars, stating it was the pound expenses, to be paid for the eighteen days the horse had been kept in town for the purpose of being shown to the witnesses every day at court, during the trial of myself, which I refused to pay. Retired to bed as usual.—Midnight.

Wednesday, 6th October.

Day-light : turnkey as usual ; flogged two boys. At ten o'clock A.M. Mrs. Carnall was served with a summons to appear before the sitting commissioners of the Court of Justice, accused of having secreted Mr. Edwards in my house ; employed Advocate Truter to attend on her behalf. At half-past one o'clock P.M. Mrs. Carnall returned from the court. Retired to bed as usual, after sending the following letter to J. A. Truter, Esquire.

“To J. A. Truter, Esq., Advocate.

“Trunk, 6th October.

“SIR,—His Majesty’s fiscal having commenced a criminal prosecution against Mrs. Carnall, on a charge of being privy to the secreting of William Edwards at my house, I have therefore to request your legal assistance in defending this unfounded prosecution.—Your obedient servant,

(Signed) “JOHN CARNALL.”

Thursday, 7th October.

Day-light ; turnkey ; rattling of chains and flogging as usual, and which were the only cries heard this day throughout. Retired to bed.—Midnight.

Friday, 8th October.

Got up at day-light : turnkey as usual ; the cries of flogging. At breakfast time, His M.’s fiscal sent in the gaoler with a receipt, stating that I must put my signature to it, for the purpose of allowing H.M.’s fiscal to sell my horse by public vendue, for the above-mentioned expenses. I told him I had not yet lost my senses, and that I never should be fool enough to resign once my horse or any other property of mine to pay H.M.’s fiscal’s expenses. He, the gaoler, said I had better do it, as H.M.’s fiscal would be very angry if he was to tell him what I said, *and that it was likely not to do me any good by refusing to sign the receipt* he had presented me. I desired him to go about his business, and not annoy me any longer, as I should not sign it : he left me immediately, seemingly in a great passion. At gun-fire retired to bed, very unwell.—Midnight.

Saturday, 9th October.

Day-light : turnkey as usual. At noon Mrs. Carnall visited me ; gave me information that H.M.’s fiscal had served her with An act of Accusation, and that she was to appear before H.M.’s fiscal and the sitting commissioners to be tried for secreting the convict William Edwards (under sentence of transportation to New South Wales) in my house for a period of three nights. At 1 h. 30 m. P.M. she was honourably acquitted

of the charge she was accused of. Advocate J. A. Truter, and Mr. Whitcombe, notary, attended at the court on her behalf. The barber attended me this day, and presented his bill for payment, and at the same time informing me that I might have my own dressing-case ; discharged his bill, and away he went. Retired to bed as usual.—Midnight.

N.B. The notary, advocate's, &c. expenses incurred by Mrs. Carnall, I was compelled to pay.

(Copy.)—" Act of Accusation in the case of H.M.'s Fiscal, Prosecutor for the Crown, against the Wife of the criminal Prisoner John Carnall.

"Whereas it is evident from the preparatory informations, that H.M.'s fiscal, after the escape of the convict William Edwards, at the time of his transportation to Simon's Town, suspecting that the same had secreted himself at your house called Sussex-place, situated on the other side of Wynberg, did request and obtain his Excellency the Governor's fiat to search the said premises :

"That H.M.'s fiscal in consequence, in the morning of the 20th of the month of September, together with a commission of the Court of Justice for the purpose of effecting the search, proceeded a long time before day-break, with a combined force consisting of some military and the police officers, to the Sussex-place, and secured all avenues with sentries and constables : that having at day-break knocked at the front door of the house, a long time did elapse before the commission had an opportunity to effect the search, during which time every thing was in constant motion in the house, when at last a back door was opened through which the commission, assisted by the police, entered the house and commenced the search :

"That the commission having advanced as far as the room then occupied by Mrs. Edwards, being an upper room above the passage of the house, receiving its light through a window of the front gable of the house, both sides of the thatch of which was partitioned off by boards, in which room they found Mrs. Edwards lying on a stretcher, which was placed across the middle window, in such a manner that the head of the bed was against the partition of the thatch on the left side as you entered the room :

“That the wife of said William Edwards, when the commission entered the room, pretended to have violent cramps in her belly and bowels ; while her sister, Miss Rentz, was standing before her bed, busy rubbing her belly :

“That the commissioners notwithstanding, however, proceeded to search the room, but did not discover William Edwards in the same : That hereupon the commission proceeded to search the room in which Mrs. Edwards ; and as there was nowhere an opening to be found in the partition, against which the head of the bed was placed, the commission insisted that the bed should be removed in order to ascertain whether there was an entrance within in the partition, but without success :

“That thereupon the under-sheriff, William Mills, was ordered to break the board of the partition of the next room, and by this means to enter the same ; which being done, the consequence was that William Edwards, who was hid behind the same, crept under his wife’s bed, where he was discovered and taken into custody :

“That from the combined circumstances, the secreting of the convict William Edwards at your house, of which you had the direction in the absence of your husband, he having been taken in custody and conveyed to town on the 17th of the said month of September, which crime the dignity and supreme authority of H.M.’s Government, and the administration of impartial justice, require to be punished according to law.

(Signed) “J. LIND, Dep. Fiscal.

“Fiscal’s Office, 6th October, 1824.”

(A true translation.)

N.B. When the sheriff had broken down the partition he discharged his pistols therein.

Sunday, 10th October.

Day-light : turnkey as usual ; Mr. Townsend visited me. At eight o’clock two soldiers were brought in, one next door to me, No. 14, the other in No. 18, accused of having committed a rape on the Simon’s Bay road. Retired to bed as usual at gun-fire.—Midnight.

Monday, 11th October.

Day-light ; turnkey as usual. Guarded to the court, and was sentenced by the sitting commissioners to leave the colony for one twelvemonth, and to pay fifty rix-dollars to H.M.'s fiscal, and half the costs of the court ; the sheriff's officer Stillwell sentenced to three months imprisonment, and the other half costs of the court. Was guarded back to prison ; nothing more particular occurred. Retired to bed as usual.—Midnight.

Tuesday, 12th October.

Day-light : turnkey opened the door of my cell, and flogging much as usual. At 8 A.M. heavy rain. Nothing of consequence occurred to-day. Retired to bed.—Midnight.

Wednesday, 13th October.

Day-light : turnkey opened my door ; flogging as usual. This day H.M.'s fiscal noted an appeal against my former sentence. Sent the following letter :

(Copy).—"To the Secretary of the Court of Justice.

"SIR,—Understanding that H.M.'s fiscal has appealed from the sentence passed in my case on Monday last, I have therefore to request that an appeal may also be noted on my behalf from the said sentence to the full court. Yours obediently,

(Signed) "JOHN CARNALL."

"Trunk, 13th October 1824."

Retired as usual to bed.—Midnight.

Thursday, 14th October 1824.

Turnkey opened my cell at day-light ; flogging as usual. At ten o'clock the secretary of the court, Mr. Jurgens, visited me ; informed me, that if I was ready to defend my case, that W. Bentinck, Esq. and the other members would bring it on before the full court on Monday next, the 19th instant, as he stated to me that they were extremely sorry I should have suffered so long an imprisonment. I told him I should be

perfectly ready, and it was my particular wish that Advocate Cloete should defend my case in appeal. He said he would call on Mr. Cloete, and advise with him what was best to be done. Several persons visited me this day. Nothing particular occurred. Retired to bed as usual.—Midnight.

Friday, 15th October.

At day-light turnkey as usual ; heavy rain. Mrs. Carnall visited. Nothing worthy of notice occurred these twenty-four hours. Retired as usual to bed. Midnight.

Saturday, 16th October.

Day-light : turnkey as usual ; cloudy weather. Advocate Faure brought his bill for examining witnesses, &c. as he told me, in my case ; his bill amounted to 175½ rix-dollars ; but as he did not speak English, nor I the Dutch language, I of course did not know for what the 175½ rix-dollars was charged ; I therefore submitted his bill to the taxation of the Court of Justice. Flogged this day about twenty boys ; it is usual to flog them without bringing them to any sort of trial whatever. Mr. Notary Whitcomb brought his bill, amounting to 125 rix-dollars, said for attending on me and Mrs. Carnall ; referred it also to the taxation of the court. Retired to bed as usual.—Midnight.

Sunday, 17th October.

Day-light : turnkey as usual. Nothing particular this day. Retired as usual.—Midnight.

Monday, 18th October.

Day-light : turnkey as usual ; flogged six boys very early ; heavy rain. Several persons visited me this day. Nothing particular occurred these twenty-four hours. Retired as usual to bed.—Midnight.

Tuesday, 19th October.

Day-light : turnkey as usual ; about ten boys flogged ; one a slave of Mr. Munnik's, sentenced to receive fifty lashes at the criminal post ; sentenced by the landdrost court. Extremely ill myself to-day ; retired to bed at half-past six o'clock. A man named Harman, the turnkey, a d——d rascal, locked my door without giving me any water, and which he had repeatedly

done. I of course knocked and asked for a little water to be sent in to me, but was always refused, until he the turnkey called "proper time." Retired to bed as usual.—Midnight.

Wednesday, 20th October.

At day-light, turnkey as usual ; flogging very early ; still very ill ; nothing particular. Retired as usual.—Midnight.

Thursday, 21st October.

Day-light : turnkey as usual ; flogging four boys ; strong S. E. gales ; nothing particular this day. Retired as usual.—Midnight.

Friday, 22nd October.

Day-light : turnkey as usual and flogging ; Dr. Barry and gaoler visited the criminal prison ; opened my cell door ; said "Good morning, Sir, have you any complaints to make ?" Answered, "None at present." Passed my door to that of the under-sheriff's Stillwell. A conversation took place, wherein Dr. Barry said to him, "I cannot help thinking what a d——d fool you was to let Edwards run away ; I always thought what a very unfit man you were to be a sheriff's officer. If you had been a soldier, you would have been shot for it. You ought to think yourself d——d well off that you were not a soldier." The sheriff Stillwell replied, "I do not think you have a right to accuse me of neglect of duty ; that remains for the court to decide on." Dr. Barry turned round and left him, apparently very much disappointed. At noon Dr. Liesching visited me, ordered me some powders to be taken occasionally. Retired as usual to bed.—Midnight.

Saturday, 23rd October.

Turnkey as usual at day-light ; swept out and sprinkled my cell. Cries of flogging early in the other prisons ; at ten o'clock a Hottentot boy was flogged in front of my door, lashed to the post placed there for that purpose. Retired as usual to bed.—Midnight.

Sunday, 24th October.

Turnkey as usual, opened the door. Noon : Mrs. Carnall visited me, said she had been very ill. Retired to bed as usual.—Midnight.

Monday, 25th October.

Day-light, fine morning, turnkey and flogging as usual ; visited by a few friends. Retired as usual.—Midnight.

Tuesday, 26th October.

Day-light ; turnkey and flogging as usual. The walls were whitewashed to hide the stains I had made on them by killing the vermin. Mrs. Carnall very ill all night. Retired as usual.—Midnight.

Wednesday, 27th October.

At day-light, turnkey and flogging as usual ; sent two letters to Mr. Stoll, the landdrost. Retired as usual.—Midnight.

Thursday, 28th October.

At day-light, turnkey and flogging as usual. Colonel Carey visited me for the purpose of taking my premises, and advising me to memorial the Governor. Nothing particular occurred. Retired as usual.—Midnight.

Friday, 29th October.

Turnkey and flogging at day-light as usual ; nothing particular occurred these twenty-four hours. Retired to bed as usual.—Midnight.

Saturday, 30th.

At day-light turnkey and flogging as usual ; nothing particular occurred. Retired as usual.—Midnight.

Sunday, 31st.

Turnkey as usual at daylight ; church bells ringing ; myself not allowed to attend divine worship in the prison. Retired as usual.—Midnight.

Monday, 1st November.

At day-light turnkey and flogging as usual ; nothing particular.—Midnight.

Tuesday, 2nd November.

Day-light : turnkey and flogging as usual ; went to bed at gun-fire.—Midnight.

Wednesday, 3rd November.

Day-light ; turnkey and flogging as usual. It is usual for the masters of the boys who are to be flogged to stand by and

see the punishment inflicted, and by giving the convicts (who are the persons ordered to punish them) four skillings, can get it more severely inflicted. Wrote a letter to Sir J. A. Truter, the Chief Justice, praying him to bring my case forward as early as possible, having been promised since 14th of last month that it should take place on the 19th of said month. Visited by a number of friends. Retired as usual.—Midnight.

Thursday, 4th.

Day-light : turnkey and flogging as usual. At 10 A.M. received an answer from Sir J. A. Truter, Chief Justice, to my letter. A friend of mine allowed to remain with me to nine o'clock this night for the first time. Retired as usual.—

Copy of the Letter from Sir J. A. Truter.

“Camp Ground, 3 Nov. 1824.

“SIR,—In answer to your application of this day, I beg leave to inform you that the necessary order has been issued to have your case brought on next Monday the 8th instant.

“I am, &c.

(Signed) “J. A. TRUTER.”

“To Mr. J. Carnall.”

Friday, 5th.

Day-light : turnkey as usual. I had a very sleepless night ; was awakened and alarmed about midnight by the turnkey and a black fellow (acting as book-keeper) entering my cell with a lanthorn, saying, Did you not hear a devil of a noise ? I answered, No ; what is the matter ? They said, they were looking round the prison to see that no d—d thieves are making their escape ; with that they left my cell, and the rattling of locks and keys for such a length of time was horrible, and prevented me from sleep all night. I got up and walked the cell till day-light, and then the rattling of chains round the unfortunate prisoners' legs and cries of flogging was dreadful to hear. At 3 P.M. the sheriff officer Stillwell was liberated by special order from His Excellency the Governor.

Saturday, 6th November.

Day-light : turnkey and flogging as usual. At 10 A.M. Dr. Liesching sent a box of Seidlitz powders for me at nine o'clock ; retired to bed very unwell. A prisoner, Maurice Higgins, was allowed to sleep in my cell all night, as the doctor had ordered I should not be left alone at night.—Midnight.

Sunday, 7th November.

Day-light : turnkey as usual, and flogging. Retired to bed as usual.—Midnight.

Monday, 8th November.

Daylight : turnkey and flogging as usual. In the course of the night the body of a man was brought in, that was found on the Simon's Bay road, said to be one of Mr. Ingram's men, a settler, named John Mahony. At 10 o'clock the gentlemen and heemraden from the landdrost court came to the criminal prison to see a Hottentot boy punished at the whipping post. My case this day at noon was brought before the court, and conducted and defended by my advocate Mr. Cloete, His Majesty's F., R. O. prosecutor for the crown. At 5 P.M. received a note from Advocate Cloete, as follows :

(Copy.)

"MR. CARNALL, MY DEAR SIR,—I am extremely sorry to inform you that the court has altered your sentence to five years transportation. What can be their motives or reasons I do not know, nor could I possibly have dreamt of such a result. I will call upon you to-morrow to advise what further may be done. Believe me, &c.

(Signed) "H. CLOETE, senr."

Retired as usual.—Midnight.

Tuesday, 9th November.

Day-light : turnkey and flogging as usual ; very ill indeed to-day. At half past nine o'clock the sister of John Mahony, that was brought in yesterday, came to see him : he was lying in the passage leading to the criminal prison, on the same stretcher that was formerly given to me to sleep upon ; he

was exactly in the state he had been picked up, all over filth and dirt, with a piece of canvas laid over his face : on her seeing him in that state, she screamed aloud and fell down, ejaculating " Oh ! my brother ! My brother ! " Whereupon the black book-keeper, who heard her, told her in the most brutal manner, d—g her to H—l, saying, " if you don't hold your d—d tongue, I'll take you by the neck and bundle you out," and using other abominable expressions, not fit to be heard. At noon Advocate Cloete visited me ; said there was nothing left for me to do but memorial the Governor ; and at the same time stating, that the court had no more grounds or right to pass that sentence on me than on himself, and that the court had only done it to please his Lordship, he being afraid that my said Advocate Cloete would have brought an action against H.M.'s fiscal for false imprisonment ; and after a little more conversation relative to the memorial to his Excellency, he left me. At sun-set the body of Mahony was taken from the prison to be interred in the ground adjoining Mr. Ingram's house, where a hole had been dug for the purpose ; but when the body was met outside of the prison by a number of his countrymen, sister and friends, they took the body by force from Mr. Ingram's cart, and carried and interred it in the burial ground, contrary to the will of Mr. Ingram, who proposed burying him at his place, alongside his dog. A friend of mine remained all night. Retired to bed at 11 o'clock. —Midnight.

Wednesday, 10th.

Day-light : turnkey and flogging as usual. The man Higgins ordered by the doctor to sleep in my cell. Retired to bed.—Midnight.

Thursday, 11th November.

Day-light : turnkey and flogging as usual ; nothing particular occurred these twenty-four hours. Retired as usual to bed.—Midnight.

Friday, 12th November.

Day-light : flogging, &c. as usual. Put an advertisement in the paper to let my house and lands. Colonel Carey visited me again to-day and advised me to memorial the Governor immediately. 6 P.M. my advocate, Cloete, visited me for the

purpose of consulting with me respecting memorializing his Excellency the Governor ; he said he would get it ready for my signature by to-morrow : retired as usual to bed. Thomas Cary, a constable, was ordered by the doctor (not considering it fit I should be left alone) to sleep in my cell all night.—Midnight.

Saturday, 13th.

Day-light, &c. as usual. At noon Mr. Ryneveld and Dr. Liesching came round the criminal prison, inquired how I was, and what complaints I had to make. Answered, very ill. Spent this day as usual, writing and reading ; at gun-fire went to bed.—Midnight.

Saturday, 14th.

Day-light : flogging, &c. as usual ; nothing particular this day ; retired as usual. A man, a native of Amsterdam, ordered to sleep in my cell.

Monday, 15th.

Day-light : turnkey as usual, and dreadful flogging. Visited by a friend and told my horse was summoned to the court this day, on the trial of Mahony, a servant of W. Edwards, who was accused of having saddled the above-mentioned horse for W. Edwards' escape. At three o'clock Mr. Advocate Cloete came and read over to me the memorial intended for the Governor ; I approved of it by his advice. Retired to bed as usual.—Midnight.

Tuesday, 16th.

Day-light : turnkey and flogging as usual. At eleven o'clock Mr. Cloete's clerk brought in the memorial for my signature, which I signed ; he said Mr. C. intended to deliver it himself ; nothing more particular occurred this day. Retired as usual to bed.—Midnight.

Copy of a Memorial which I was advised by my advocate Cloete to send in.

“To his Excellency General the Right Honourable Lord Charles H. Somerset, Governor and Commander-in-Chief, &c.

“The humble Memorial of John Carnall, now a prisoner in the town gaol, most respectfully sheweth,

“ That your Excellency’s memorialist was imprisoned and prosecuted by H.M.’s fiscal in a criminal suit, charging memorialist with having aided and abetted in the escape of William Edwards out of the hands of his keepers, on his way to Simon’s Town, to undergo his sentence of transportation to New South Wales.

“ That the commissioners of the worshipful Court of Justice, before whom the case was brought for trial in the first instance, having condemned memorialist to be banished from the colony for the space of twelve months, H.M.’s fiscal did not think proper to acquiesce in the said sentence ; but having noted an appeal therefrom to the full court, the latter aggravated the former sentence, condemning the memorialist to transportation to New South Wales for a term of five years ! That the memorialist neither having the wish nor the means to prosecute a further appeal to your Excellency, merely begs to submit in the most humble manner to your Excellency, that the memorialist throughout and to the last day of his existence will deny having had the slightest suspicion of the intention of said William Edwards to make his escape from his place, and that the whole charge against memorialist rests upon the most weak and remote presumptions and suppositions, as judge, which before your Excellency in appeal, would not have been deemed satisfactory or conclusive evidence. The memorialist begs leave more to add, that the whole acquaintance of the memorialist with said Edwards, convict, had arisen from the latter having found the memorialist’s estate a convenient halting place between Cape Town and the Fish Hook Bay, belonging to Mr. Richardson, by whom he had been introduced to the memorialist, and where he was in the frequent habit of resting, in consequence of which the memorialist employed him in his official capacity as a notary public, in two or three cases, for the recovery of certain sums of money, without however having ever associated with or supported him in his principles or general conduct ; but on the contrary, having spent a period of four years since the memorialist retired from the merchant service, in which he had acquired the implicit confidence of the most respectable mercantile houses of London, in the command of various ships, in peace and quiet upon his small estate, without having been in any way subject to the animadversions

of the law. Finally, the memorialist begs leave most humbly to submit to your Excellency, that the memorialist, who has now already undergone an imprisonment of more than two months, during which time his health has been much affected, will find himself utterly ruined, and see his wife and children reduced to a state of misery and want, from which at the advanced age of the memorialist, and stigmatized as he will be by the latter sentence, it would become impossible ever again to rescue them, were the sentence of transportation enforced against him ; and therefore entreats your Excellency to take into consideration the execution of a sentence which comparatively presses lightly upon the memorialist as an individual, but would only render an innocent wife and offspring miserable, and deprive them of a home and of the slightest support.

Wherefore memorialist most humbly prayeth, it may graciously please your Excellency to mitigate the sentence of the worshipful Court of Justice, and to commute the same into such milder sentence as your Excellency may deem expedient.

“ And memorialist as in duty bound will ever pray.

“ 16th November 1824.”

Wednesday, 17th November.

Day-light : flogging, &c. as usual. 9 A.M. Advertized my household furniture to be sold on the 4th December next, to defray the expenses brought against me in defending this prosecution. Retired to bed as usual.—Midnight.

Thursday, 18th.

Day-light : turnkey and flogging as usual ; nothing particular occurred. Retired to bed.—Midnight.

Friday, 19th.

This day throughout as yesterday.—Midnight.

Saturday, 20th.

This day throughout as yesterday.—Midnight.

Sunday, 21st.

Day-light : turnkey and flogging as usual ; rainy weather. Retired as usual to bed.—Midnight

Monday, 22nd.

Day-light : flogging, &c. as usual. Half-past 10, A.M. Drs. Barry and Liesching came round the prison ; inquired of me as usual : answered, very ill : recommended me vegetable diet. Retired to bed as usual.—Midnight.

Tuesday, 23rd.

Day-light : as usual flogging, &c. Dr. Liesching visited me earlier than usual ; very ill. P.M. This afternoon Thomas Mahony was put into the criminal prison, accused of saddling my horse, and assisting William Edwards to make his escape from the sheriff constable on my place, he having been previously twice before the court, and sentenced to be transported for five years to New South Wales, having no other proof than supposition—a similar case, in point of passing sentence, as my own. Retired as usual.—Midnight.

Wednesday, 24th.

Day-light : turnkey, and flogging going forward as usual. Being attacked with the piles retired early to bed.—Midnight.

Thursday, 25th.

This day throughout as yesterday.—Midnight.

Friday, 26th.

These twenty-four hours as yesterday throughout.—Midnight.

Saturday, 27th.

Day-light : flogging, &c. as yesterday. Mr. Cloete visited me ; declared again that the court only passed the sentence of transportation on me to please his Lordship, and that I might mention to whom I pleased his having said so. Retired as usual.—Midnight.

Sunday, 28th.

Day-light : turnkey opened my door as usual ; nothing particular occurred. Went to bed.—Midnight.

Monday, 29th November.

These twenty-four hours throughout as yesterday.—Midnight.

Tuesday, 30th.

Flogging, &c. this day ; throughout as yesterday.—Midnight.

Wednesday, 1st December.

These twenty-four hours throughout as yesterday.—Midnight.

Thursday, 2nd December.

Day-light : turnkey opened my cell as usual. At ten o'clock my advocate, Mr. Cloete, visited me, and said he was officially sent by his Excellency to acquaint me that it was his intention and that I might rely on it, that I should be allowed to quit the colony to any part of the world I pleased ; that in consequence of the multiplicity of business in the court, they had not had time to translate the documents relating to my case, and lay them before him ; but the moment it was so done, and that when that was done, the Governor would immediately sign them, and I might then quit the colony. Retired as usual to bed.—Midnight.

Friday, 3rd December.

Day-light : turnkey and flogging as usual ; nothing particular this day. Retired as usual.—Midnight.

Saturday, 4th December.

The usual ceremony this day. The whole of my property was sold by public auction ; viz. furniture, farming implements, horses, waggons, stock, &c. At 3 P.M. a messenger from the Court of Justice informed me that an arrestment was laid on the vendue roll of my effects sold. Retired as usual to bed.—Midnight.

Sunday, 5th December.

This day flogging, &c. throughout as usual. Retired at gun-fire.—Midnight.

Monday, 6th.

At day-light turnkey opened my cell as usual ; about twelve boys flogged. Visited by Advocate Cloete. Retired as usual to bed.—Midnight.

Tuesday, 7th.

Day-light : flogging, &c. as usual. Paid Advocate Faure's bill according to the taxation of the court, rix-dollars 117. 4. Retired as usual.—Midnight.

Wednesday, 8th.

This day throughout as yesterday. Retired as usual.—Midnight.

Thursday, 9th.

These twenty-four hours throughout as yesterday. Retired as usual.—Midnight.

Friday, 10th December.

These twenty-four hours throughout as yesterday. Retired as usual ; (three flogged).—Midnight.

Saturday, 11th.

This day throughout as yesterday. Retired as usual.—Midnight.

Sunday, 12th.

This day as yesterday throughout. Retired as usual.—Midnight.

Monday, 13th.

Day-light : turnkey as usual : flogged seven boys. Retired to bed.—Midnight.

Tuesday, 14th.

Day-light : turnkey and flogging as usual. Retired to bed.—Midnight.

Wednesday, 15th.

Day-light : flogging, &c. as usual. One o'clock, P.M. sheriff and messenger of the court guided me to the Court of Justice to hear my sentence, which was read, it being commuted to banishment from the colony for five years to any part of the globe I pleased. At two o'clock was escorted again to prison. I was sentenced to leave the colony in eight weeks, which was the time allowed me to settle all my affairs previous to my quittal. A friend remained with me till nine o'clock this evening. Retired as usual.—Midnight.

Thursday, 16th.

Day-light : flogging, &c. as usual. Memorialled the court to be let out of prison on bail to settle my affairs, and procure a passage to England. Retired as usual.—Midnight.

Friday, 17th.

Flogging, &c. as usual. At ten o'clock was guarded as usual to the court : an account of Notary Whitcomb's bill to be taxed ; ordered to pay him 79 rix-dollars, in lieu of 125 rix-dollars. A female Hottentot was picked up dead by the watchmen ; to be interred as usual at dusk in the evening.

In the same state they are found so they are buried, without a coffin, or the burial service being read, only to those whose friends can pay the expenses and fees. It is customary to allow all the female prisoners to be let out in the prison-yard only once a week, for the purpose of washing their clothes ; the remaining part of the week they are in solitary confinement ; though some of them are only imprisoned till a master or mistress can be procured for them, or employment. Two boys flogged. Retired as usual.—Midnight.

Saturday, 18th December.

Day-light : flogging, &c. as usual. At 10 A.M. a messenger from H. M.'s fiscal, in answer to my memorial to the court, stated that I might come out for fourteen days to settle my affairs, providing I found two securities for 1,000 rix-dollars each for my appearance every morning before eight o'clock at the town prison. Retired as usual.—Midnight.

Sunday, 19th.

Nothing particular occurred this day. Retired as usual to bed. No person came to see me.

Monday, 20th.

Day-light : flogging, &c. as usual. Middle part of this day, sun eclipsed visible ; latter part, dreadful flogging in the prison-yard. Retired as usual.

Tuesday, 21st.

Day-light : flogging as usual ; took medicine for the bowel complaint. Retired as usual.—Midnight.

Wednesday, 22nd.

Day-light : flogging, &c. as usual. Dr. Liesching visited me ; desired me to continue taking medicine. At one o'clock the gaoler, his clerk and prison clerk, all messengers from H. M.'s fiscal, opened a large roll of paper, and read to me in Dutch, not one word of which I could understand ; but the gaoler endeavoured to translate it to me in the best manner he could, half Dutch and half English ; and from what I could understand, it was for me to give bail or security in money, depositing 2,000 rix-dollars (into the hands of the president of the bank) for my appearance as before mentioned. Retired to bed as usual.—Midnight.

Thursday, 23rd.

Day-light : flogged three boys. Very ill ; retired early to bed.—Midnight.

Friday, 24th.

Day-light : flogging, &c. as usual, with showers of rain. Sent a messenger to H. M.'s fiscal, and one to Advocate Cloete, respecting the security. At noon was called and guarded to H. M.'s fiscal's office to deposit 2,000 rix-dollars as security for my appearance for a period of fourteen days ; and was informed, if I once failed to appear before eight o'clock, I should forfeit the amount to government, and be placed again in solitary confinement ; and also, at the expiration of the fourteen days granted me, if I had not procured a passage, I should be remanded to prison. I was then informed by H. M.'s fiscal I might go where I pleased, and the guards to their respective places. Slept this day at Mr. Stedworthy's.

Saturday, 25th.

At 6 A.M. appeared at the town prison. Hired a gig, and proceeded with Mrs. C. to my estate, Sussex-place ; dined with Mr. Oddy, he having hired my place. Slept in country.

Sunday, 26th.

Returned in the gig to town, and visited the prison ; dined at Mr. T.'s. Hired a carriage, and proceeded with friends to Sussex-place, to arrange my affairs for quitting the colony. Slept in the country.

Monday, 27th.

Returned to town, and visited the prison ; breakfasted and dined at Mr. T.'s. Hired a gig for the country ; proceeded with Mr. T. as yesterday. Slept at my cottage.

Tuesday, 28th.

Heavy rain ; returned to town, and visited the prison as usual ; breakfasted and dined with Mr. T. Very unwell ; at half-past one o'clock was seized with a violent vomiting and bowel complaint. Proceeded to the house of Mr. S. attended by Dr. Laing ; ordered me to bed immediately, and bathed my body with hot brandy ; he said it was the dysentery. Very ill all night.

Wednesday, 29th.

Very ill ; doctor attending sent his certificate to the prison, I not being able to attend ; nothing particular this day.

Thursday, 30th.

Still very ill ; visited by the doctor ; at eight o'clock visited by the gaoler by order of H. M.'s fiscal ; very ill all day.

Friday, 31st.

Much better this morning ; 6 A.M. visited the prison. This day the *Asia*, Captain James Lindsay, having arrived from Rangoon bound to London, made application and agreed with him for a passage for self and Mrs. C. to England. Called on H. M.'s fiscal, and acquainted him of my intention to leave the colony in the above-mentioned ship, whereupon he entered into a conversation with me respecting my trial, saying, that as I was now going to quit the colony (and that no other punishment *could* be inflicted on me) to give him my word as a gentleman, whether I was guilty or not guilty of assisting Mr. Edwards in his escape ; in short, entering into a long detail with me respecting the Hottentot woman Leentje, one of the witnesses which they had threatened to hang if she did not say as the sheriff's officers had dictated to her. He informed me that I was to attend at the town prison as usual, as the arrest would not be taken off, nor the money (which

was 2,000 rix-dollars) repaid me, until the ship with me on board had sailed, and then it would be paid to my agent as per my order ; left him. Slept at Mr. S.

Saturday, 1st January 1825.

Visited the town prison as usual ; engaged a carriage and proceeded to my estate with friends for the purpose before mentioned. Slept in the country.

Sunday, 2nd January.

Returned to town on the celebrated horse Whitefoot ; visited the prison as usual and Mr. S. and dined with him. 5 P.M. hired a carriage and proceeded with friends for the before-mentioned purpose to my estate.

Monday, 3rd.

Visited the prison and remained all day in town, preparing for my embarkation. Slept in town.

Tuesday, 4th.

Visited the prison as usual ; this day employed purchasing stock for the voyage. Slept in town.

Wednesday, 5th.

Visited the prison as usual ; breakfasted at S. Hired a spring cart to remove and sell off the remainder of my effects ; returned in the evening to town.

Thursday, 6th.

Visited the prison as usual ; went again to Sussex-place, employed as yesterday. Gave up possession of the cottage to Mr. Oddy, and returned to town.

Friday, 7th.

Visited the prison ; this day preparing and making ready for the voyage. Slept at S.

Saturday, 8th.

Visited the prison ; hired a gig and cart to proceed to Sussex-place for the purpose of furnishing Mr. Oddy with the number of trees on my estate ; returned and slept in town.

Sunday, 9th.

Visited the prison ; hired a gig and proceeded with my agent to see the necessary documents correct for the hire of my estate, with myself and my servant ; heavy rain. Slept in the country this night.

Monday, 10th.

Breakfasted with Mr. Oddy, and proceeded to town and visited the prison ; employed this day in getting my baggage and stock on board. Slept at H.

Tuesday, 11th.

Gave notice to H. M.'s fiscal of my intention to embark on the following morning at 10 o'clock on board the *Asia* for London.

Wednesday, 12th.

Partly calm. At 9 A.M. embarked on board the *Asia*, Captain Lindsay, for London, with Mrs. C. At 10 A. M. unmoored ship and hove short for weighing, loosed the fore topsail and sheeted it home as a signal to the shore for sailing. At 2 P.M. captain came on board, proceeded to loose and sheet home the sails and hoisted them up. 3 h. 30 m. P.M. weighed anchor and made all sail, discharged the boats from alongside and proceeded to sea.

(Signed) J. CARNALL.

[Enclosure 2 in the above.]

(Translation.)

Defence.

Being a Reply delivered at the second Hearing and Suit on the last Count (or Article) of the Cause tried before His Majesty's Fiscal, Mr. D. Denyssen, R. O. Prosecutor, *versus* John Carnall, the Plaintiff, relative to the last Count.

Well-born and worshipful Sir, and well-born and worshipful Gentlemen,

Who of us has not himself been in the situation, or has not before now heard of cases in domestic life, where a person thinking some wild little animal or bird, well secured in a cage or stable, on waking in the morning has found that it has escaped from all its bonds, and obtained its natural liberty and flown away, in spite of all endeavours, frustrating all attempts to detain it ? It is then that the wife, the children

and the servants, in short the most innocent persons, are loaded with imprecations, and become the object of ungrounded accusation. Each is said to have been the cause of the mischief : the one is alleged to have been the day before in the room, the other is accused of having let free the poor animal, and the third is suspected of having seen it the last. In this manner each is deemed an accomplice ; and if the master has the power, his people may happen to be punished by him, who entirely forgets that it was owing to his own parsimony and negligence that no better stable-room or habitation was provided for his prisoner, and that in fact he himself has been the chief cause of the accident. These ideas must naturally arise on hearing that on the 17th of September last the unfortunate news arrived here that William Edwards, an inhabitant of the place called Sussex-place, belonging to the prisoner, who was to have been transported to New South Wales, had escaped from his keepers and had fled ; and that the prosecutor himself in person, with all the strength that could be got together, had gone out to re-apprehend him, but that instead of the fugitive the unfortunate prisoner was dragged from his house, and was brought to Cape Town ; and that not only a writ of corporal apprehension was sued out against him, but also a citation against the prisoner's wife, against Captain Alexander, who lodged likewise in Sussex-place on account of his health, and against several servants in that place, and the horse was actually taken into custody on which Edwards made his escape ; and not till then was it thought necessary to call for a writ of summons against the under-bailiff, which was granted, and to his negligence and dereliction of duty the escape of the banished man is entirely to be attributed. After at last the said Edwards had been again apprehended, it seemed that the prosecutor was more quiet, on account of the odium of the escape of the banished man having been shifted on the head of the prisoner ; inasmuch as, without having done it, some isolated presumption, turning upon a single circumstance, made it likely that in the person of the prisoner was found criminating matter, which made him be accused as guilty of *having by malice prepense assisted and abetted* the escape of the banished man Edwards, having given him for such purpose a saddle and bridle. The judge in this action has already declared that the prisoner did

not appear to have, either with malice *prepense*, or with a bad intention, assisted the escape of Edwards ; since that point never could have been determined but by the deposition on the misdeed of another person, and also of one in whom no guilt could be presumed. Still, however, the judges had punished the misdeed of the prisoner, as if it had been rightfully proved that he had been implicated in the offence ; and also these judges decreed, that the prisoner should be banished for a year. But he was glad that the prisoner was not satisfied with that sentence, as it afforded him the hope of representing his grievances in relation to the last count of the prosecution to the judge *ad quem*, and to convince him that he could have done no act which could in the least be considered as wicked. And in the second place, that even if he should have afforded any facility for the escape of this Edwards, he could not by right, according to any law in the world, be punished for it. Touching these two points it will be necessary for the counsel for the prisoner to explain several points or presumptions which the prosecutor very reasonably urged in this verbal-process in the first instance ; but which it is requisite to consider again together, deprived of the plausible oratory of the prosecutor's counsel.

The first presumption insisted upon by the prosecutor's counsel against the prisoner is, that the day previous to the escape of Edwards he had sent a letter to him, and that he harboured Thomas Mahony, Edwards's servant. This allegation however cannot at all be entertained, since the prosecutor's counsel thereby states merely what appeared probable to him ; this Mahony has been proved merely to have come with a letter containing a message that Edwards on the ensuing day would pass through the residence of the prisoner, and that the former wished to see him ; a wish extremely natural under the circumstances of these persons. In business, as well as in private concerns, nothing can be more natural than such a wish. The counsel of the prosecutor acknowledges also, that there was nothing in the contents of the letter which could lead to the above allegation ; but that, nevertheless, some plan for the escape might have by word of mouth been communicated. Thus the counsel of the prosecutor reasons upon what possibly might have happened, while he owns that, in

point of fact, nothing appears in the record favouring any such presumption. The prisoner therefore, seeing that the prosecutor's counsel charges him with a misdemeanour, maintains that there is no ground whatever for such a charge ; on the other hand, prosecutor has allowed that the communication from Edwards contained nothing criminal. All this is proved by J. Cupido, Leentje, Locke, and Captain Alexander, and by the evidence of Mahony and Edwards himself, that he had said he should soon be free from confinement ; so that prisoner cannot be implicated in any design to bring about that event. The prosecutor answers : this Mahony is an accomplice, since it is clear that he took the horse intended for Edwards on the next day, and went to fetch it. As to what is called the intercepted letter of the prisoner, it appears from hence that the prosecutor's counsel does not wish to show any lenience to the prisoner, since there is not the least allusion in the letter to what he alleges, but that it can only lead to a presumption of a personal communication having been conveyed. The name also of Edwards is mentioned in the letter, which ought to take away the presumption of any participation, and induce the judge to allow that nothing is a clearer proof of the innocence of the prisoner, than that the prosecutor allows that the former was careful in delivering the letter, and that it contained only directions or hints, inasmuch as Thomas Mahony may have given a message by word of mouth. Can it be for a moment supposed that the prisoner, in this personal communication with Mahony relative to the flight of Edwards, was all at once so far deprived of his five senses as to reveal in an open letter, in which he desired William Moore, or any other peasant in the Wynberg, to supply him with some barley ; his design respecting a horse for the purpose of facilitating the flight of Edwards, and afterwards that Mahony should have brought back that letter without having been ordered to tear it to pieces or to annihilate it ? by which act of cancelling the letter could have been in no way intercepted, nor could he have been deprived of all he had in his bag, nor have been taken prisoner. A man must be very anxious to oppress another with charges of misbehaviour in seizing hold of such improbable circumstances to affix guilt on a person. The whole jê't of the charge rests on this, that the prisoner the evening before was informed that Edwards

intended to come that way, and choosing to show him the attention which an acquaintance in misfortune, how guilty soever he may be, merits, from the very circumstance of the intimacy, he formed the design of accompanying him some distance next morning on the road to the Bay ; and on that day being necessitated to go to town to receive some money, which prisoner can prove by the production of a promissory note of 500 rix-dollars, due the preceding day, and which he hoped he should receive in town, and fearing that his horse without fodder could not carry him on that day, he therefore sends forward to this peasant Moore, informing him expressly that Edwards would pass that way, since he was also acquainted with him, and that he should avail himself of this opportunity once more to bid him adieu. The prosecutor's counsel has indeed known how to turn this circumstance to his advantage, since he from the evidence of Moore draws a conclusion of the fodder having been required to prepare the horse for Edwards ; but the judge will find reason to consider from the evidence of the man himself and of his children, that the only object was to accompany him a little way. If it were otherwise, why should he and Mahony, or any other in the place, have lost all their senses, so as to suffer it to be put into the power of Moore to inform all the children of the design that he was preparing a horse for the flight of Edwards ? His Majesty's fiscal thinks that this proves too much ; nevertheless the prosecutor brings to the charge of the prisoner that Edwards made his escape with prisoner's horse. As to such an absurd presumption, it certainly would be insulting the perspicacity and sound understanding of the high-born and worshipful judge to refute such allegation. The horse is proved by the prisoner to have been wanted, and that he could not do without it, his presence being necessarily required in town, and he being already on horseback when Edwards in custody of the under-bailiff arrived. The horse was then again taken to the stable, and the prosecutor put in the ante-room when the said Edwards arrived ; while the said prosecutor, if his worship has read with attention the deposition of Leintje, might have seen from that room that Cupido the Hottentot was the person who led the horse from the stable into the garden, and delivered it over to William Edwards ; this therefore is the only person who can

be accused of having given assistance to the latter. The prosecutor objects to this, that still the horse was the prisoner's property, and that therefore the owner of the horse was even more guilty than he who applied for it. Prosecutor's counsel further lays to the charge of the prisoner that he held secret conferences with Edwards previous to his flight, but from whose mouth has this accusation arisen ? Does it not come alone from that of the under-bailiff ? a man whose evidence is not only very objectionable, but not even admissible for a moment ; since nothing but his negligent and culpable dereliction of duty (of which hereafter we shall say more) has led to all this mischief ; and whose copious defence, or rather the glossing over of his conduct, naturally has had for its object to make himself considered as the victim and dupe of an artful and deeply-laid plan, while he forgets that such plan never can have existed, since its foundation rests upon the supposition of a fact which should never have taken place, namely, that an under-bailiff charged with the custody of a prisoner should have forgotten his first and only duty, that he must never leave his prisoner out of sight ! All this, which is collected from the representation of Stillwell, in opposition to the statement of the prisoner, will I hope have no weight with the judge, since his misconduct and grave offence can never be palliated ; and since he has studied to cloak over his offence by the whole of these representations against the prisoner, it becomes the judge very strictly to examine and weigh what is proposed by him. The counsel for the prosecutor insists that the prisoner manifestly had gone out to take care that the horse should be ready at the appointed place, which he asserts on the deposition of Stillwell. If it be so, how can the counsel have found a single word to urge in behalf of the under-bailiff ? Is this not a palpable proof how far a man may frequently forget himself if he be anxious to prove too much ? Does not the under-bailiff own that the prisoner had been asked for a measure of wine, and that for that purpose he went out, returning immediately with a bottle of wine ? These established circumstances, and which can involve no guilt, are all traced minutely, yet these ought not to have been employed to represent what prisoner possibly may have been doing during this time ; and whatever far-fetched arguments the counsel for the

prosecutor has so elegantly stated, cannot render them probable so as to redound to the condemnation of the prisoner, inasmuch as it has only been proved that he fetched a bottle of wine, but not that during that time he exchanged a single syllable with any one, or that he went a single step out of his way to his warehouse and back again ; and this is the more striking, as the under-bailiff was told this by two servants who stood before the door, and who must have witnessed what was passing at some distance ; whereas these persons have not been called to witness in any shape. The prosecutor's counsel furthermore rests one of his arguments upon the displacing of a certain small trunk from one room to the other, nor has he even scrupled to take an objection from [*illegible in manuscript*] against the prisoner. This is urged on the strength of Lenah's and Cupido's evidence ; but where do these persons say that prisoner had made any other persons witnesses of the transaction ? Not a single word appears to prove this ! Was this a mere accident ? or had Mahony concerted matters with Edwards ? This does not appear ; it merely is certain that prisoner had no hand whatever in this, and is totally ignorant of any such circumstance. Finally, the prosecutor's counsel brings forward whatever he can seize hold of in the examination of the prisoner and in the cross-questioning to oppress the prisoner. He makes it out as criminal in him to have denied criminality, and to have denied facts which yet were afterwards proved ; and pretends that these unequivocal proofs ought particularly to be attended to, inasmuch as according to our ancient criminal code, when either a prosecutor or a prisoner had been duly examined, they had not a right either to cancel or alter their evidence. Yet by the more recent summary way of proceeding now ordered to be followed, after the pattern of the criminal courts of England, it is an axiom that either party is not only allowed to deny any offence, but the judge even will caution him not to criminate himself ; so that not the least presumption against the party can be derived from that. Hence, not only the English law, but also the Lex 25 Code de Probatis, does not admit of any evidence, but what is unequivocal, of any crime ; and therefore to follow the letter of the law is the very essence of a free state. We cannot omit to quote hereupon Cotha on the Practice of the English

Criminal Courts, page 91 and following, in which he very plainly states the difference between the two manners of proceeding.

Such a trial the prisoner trusts most respectfully, that being an Englishman born, he shall have in an English dependency, before English judges, who will not forget to maintain the honourable and noble laws.

We come now to the point in which the prisoner's counsel not only finds a motive to inculcate the sentence pronounced in the first instance, but also to flatter himself that, after a judicial consideration of the facts laid to his charge, the prisoner shall be found to be justified ; and he trusts that he shall be entirely freed from all consequences, and that the confinement of two months which he has already suffered shall be held to be sufficient, since he has thereby expiated more than any laws could ever have inflicted on him.

To prove this, we might only have appealed to what the prosecutor's counsel admits, that the person who apprehended the prisoner had lodged an information against him which would for ever prove an infamy to him, to his wife, and to his children, and take all his property from him, and thus for ever ruin him ; while, at the same time, he allows that in the *Dutch* law there is not a single law or authority according to which the prisoner could be pronounced to have acted criminally, since our authorities on the criminal laws only pronounce those to be criminals who break open *by main force* prisons, and thus rescue from them persons imprisoned ; and this too only in the case of high treason, in which case they declare him an accessory, on account of the enormity of the offence of aiding the escape of a person guilty of such a crime. Thus the general rule lays it down particularly, that *friends, relations* and the like, who assist a relation or friend in his escape, after the prisoner had obtained his freedom without force, cannot be considered as criminal in lending a hand to the escape of such a person. We are borne out in this, not only by history, and particularly by the famous precedent of Maria Boetzelaar, but also by Professor Voet in Groningen, who agree in ruling that even in such cases, that is to say, if the prisoner should have broken out of prison, the punishment ought to be rather mild and considerate. On this see Voet's Commentaries 11,

ad Tit. de Custodia et Exhibitione Reorum, lib. 48, tit. 3, paragraph 8, in medio :

“ In reis ipsis effracto carcere fugientium arbitraria potius pœnæ est *eigne* [*sic.*] non ad modum gravi dum quendam procul dubio excusationem meretur, qui vel sanguinem suum qualiter qualiter redemptum valuit, vel sese in naturalem libertatem carceris custodia impeditam studuit vindicare, longeque magis hæc tunc probandæ. Cum reus evasit occasionem fugiendi [*illegible in the MS.*] coercendi sunt propinqui nati familiare qui consilium fugiendi ex carcere dederunt, vel etiam fugum adjuverunt sine effractione.”

Hence it is manifest that our criminal code does not resemble the sanguinary laws of Draco in the way the prosecutor's counsel would represent, by maintaining that a person should be liable to the most rigorous punishment for having lent assistance to his friend in making his escape.

The prosecutor's counsel has dwelt much upon the English law, forgetting however to add the definition of the words “aid and abet,” though the whole depends upon the definition of “abet,” which Jacob, in his law dictionary, explains to mean “*to stir up, to incite.*” Therefore an agency of an act was required, which would be the case if the criminality laid to the prisoner's charge could be substantiated. Let us see what English law would have imposed upon the prisoner. It would entirely acquit the prisoner, and pronounce the under-bailiff the only guilty person, so that the prisoner would not even be called to account. Look into all the statutes upon this subject, and you will find that, just as in our law, it is THE KEEPERS upon whom the whole weight of justice falls ; and it is held that as soon as a person in authority or a minister of justice lets out of his sight a prisoner, it is considered as a flight or escape. Now in this, prisoner was not all concerned ; it was the only act and deed of the under-bailiff Stillwell (see on this point Hawkins' Pleas of the Crown, vol. 3, page 253,) so that it can be laid to his charge alone. But should the prosecutor have also assisted, the English law would consider him an accessory ; and as consequently the fugitive cannot be punished for his deed, neither can the prisoner. *Vide* Hawkins at the above place, pages 260, 266, and the statute 16 Geo. 2, c. 31 & 24 ; Geo. 3, c. 56, 44 ; Geo. 3, c. 92, 45, and also

Geo. 3, c. 92, which refer to the escape of prisoners *from the custody of their keepers*, "who shall rescue or assist to make them escape." But Edwards had already made his escape without any help, and the plaintiff cannot therefore be called to account for it. Thus it is proved that the prosecutor's counsel has brought a charge against the prisoner on mere presumptive evidence, and that the proofs brought forward would not stand good at all in our law, no more than in the English law; and prisoner trusts therefore that he, having undergone an imprisonment of upwards of two months, and having been obliged to neglect the care of his habitation and of all his affairs, shall be considered as having sufficiently expiated the unfortunate accident of the visit of Edwards to his place of abode, and all that because his keepers did not keep him in safe custody. Accordingly he hopes a revision of the sentence by Messieurs the Commissioners, and that the appeal brought against him may be dismissed, and the prisoner be discharged by the judges.

(Signed) H. CLOETE, jun.

8th November 1824.

A true extract from the proceedings in the case of His Majesty's Fiscal *versus* J. Carnall.

H. CLOETE, jun.

[Original.]

*Letter from T. P. COURTENAY, ESQRE., to R. WILMOT
HORTON, ESQRE.*

ABINGDON STREET, May 4, 1825.

SIR,—In reference to my letter of the 25th of March, I take the liberty of observing, that the House of Commons yesterday resolved "That all prohibitions and restrictions now in force, and that all duties now payable, upon the importation of Wheat, the produce of, and imported from, the British Colonies and Plantations in *North America*, shall cease and determine; and that, in lieu of all such duties, there be paid on the importation of such Wheat, a duty of 5*s.* 4*d.* for every quarter

thereof." But it appears that no alteration is to be made in the laws affecting the importation of Corn from the Cape of Good Hope.

I feel it my duty once more to submit to Lord Bathurst the consideration whether every principle upon which this arrangement is made with respect to the American Colonies, be not equally applicable to the Settlement of the Cape. I have &c.

(Signed) T. P. COURTENAY.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to MR.
BISHOP BURNETT.*

DOWNING STREET, 6 May 1825.

SIR,—There is a passage in the letter which you addressed to me on the 14th ultimo, upon which I had received Earl Bathurst's directions to request from you some explanation, when I received your letter of the 30th of the same month. In that letter you stated that all the redress which you seek was a partial remission of your sentence of banishment, in order that you might be permitted to touch at the Cape of Good Hope in your way to undertake a pursuit intimately connected with the advancement of nautical science, whereas in your statement of the 8th of March you professed your solicitude for a remission of the sentence with the view of returning to your family, your connections and the conduct of the important causes in which you are Appellant.

His Lordship was, therefore, desirous of learning from you whether the object which you had in view in wishing to return to the Cape might be considered as so far superseding your former application, as to make it practically sufficient for your purposes that you should have permission to proceed to that Colony and remain there for a time to be limited.

But as in your letter of the 30th April you definitely ask the decision of Lord Bathurst whether your illegal sentence of banishment from the Cape is or is not to be remitted, I am

directed by his Lordship to inform you that he is not prepared to remit your sentence of banishment upon the grounds of its illegality. I am &c.

(Signed) R. W. HORTON.

[Copy.]

Letter from the Landdrost of Cradock to the Commissioners of Enquiry.

LANDDROST'S OFFICE, SOMERSET, 7th May 1825.

GENTLEMEN,—In conformity to the directions contained in your letter of the 5th ultimo, I have the honour to enclose a statement of the taxes levied at the opgaaf of the current year ; and in reply to your desire, that the enclosed statement should be accompanied with an explanation of the mode in which the assessments are proportioned to the property and establishments of the inhabitants, I beg leave to acquaint you, that these taxes are levied on each inhabitant in proportion to the number of cattle and the other property returned by him in his opgaaf note. I have &c.

(Signed) WILL. MACKAY, Landdrost.

	—		Total.	Remarks.
ORDINARY TAXES.				
Head Money . . .	Rds. 2,325	sk. st. — —	Rds. sk. st. — —	Levied under the 14th Art. of the Proclamation of 1st April 1814, at Rds. 2½ each.
Tax on Cattle . . .	5,682	3 2	—	Levied under the 14th Art. of the Proclamation of 1st April 1814, at the rates specified in said Article.
Ditto on Produce . . .	260	7 4	—	Levied under the 14th Art. of the Proclamation of 1st April 1814, at the rates specified in said Article.
Income Tax . . .	125	4 —	—	Levied under the 22nd Art. of the Proclamation of 1st April 1814, at ¼ p. cent; authority from the head Drostdy, Graaff Reinet.
Contribution to the Water-dam and Canal . . .	70	4 —	—	Local Regulations of Graaff Reinet, and Conditions of Sale of Erven; to wit, Rds. 6 per ann. each, Graaff Reinet.
EXTRAORDINARY TAXES.				
Waggon Contribution . . .	1,219	4 —	—	Levied under the 17th Art. of the Proclamation of 1st April 1814, at Rds. 1½ for each waggon or cart, ditto.
Fine for non-payment of Opgaaf in 1824 . . .	5	— —	9,688 7 —	Levied under the 172d Art. of the Instructions for the Country Districts, repeated in Proclamation of 7th August 1818.
Church Contribution for Places and Erven . . .	658	1 —	—	Levied under the 18th Art. of the Proclamation of 1st April 1814, at Rds. 4 2sk. 4st. for each place, and Rds. 2 lsk. 2st. for each erf, per ann.
Church Contribution for Funerals . . .	63	— —	—	Levied under the 43d Art. 6 sec. of the Church Regulations
School Contribution . . .	1,113	2 4	721 1 —	Voluntary
			1,113 2 4	
			11,523 2 4	The above consists of Taxes, due the 31st December 1824.

The sum of Rds. 3,750 has been received during the Opgaaf for recognition on 125 loan places, for the year ending 31st December 1824, at Rds. 24 recognition, and Rds. 6 for the receipt and stamp for each place.

(Signed) WILL. MACKAY, Landdrost.

[Copy.]

Letter from THOMAS PRINGLE, ESQRE., *to the* LANDDROST OF
GRAAFF REINET.

BAVIAANS RIVER, *May 9th* 1825.

SIR,—I have the honor to acknowledge the receipt of your letter dated the 22nd April, and beg leave to state in reply, for the information of the Commissioners of Inquiry, that there were *three* articted servants in my party of Settlers, viz. Alexander Mortimer, James Tosinoss and James Eckron. The first and second of these were under contract to Mr. C. B. Sydserff for three years, and the third to my father for the same term. Their deposit money was paid by their masters, and their wages were paid in money and not in land. All of them have some time ago obtained their discharges and have left the location.

The party, exclusive of these three men, consisted of twenty souls, of whom seven besides myself were adult males, who each paid the deposit money required on account of their respective families, and who consequently had a right in virtue of Earl Bathurst's circular to allotments of one hundred acres each.

The location having however been afterwards greatly enlarged in consequence of my continued applications to the Colonial Government, I was ultimately enabled to augment the allotments of each family, to an extent much more suitable to the character of the soil and climate, and the particular circumstances of this pastoral District.

These seven families now occupy among them an extent of land (including some additional grants to certain of them on the Mancazana River) amounting to upwards of 7000 Morgen. My brother William (who joined the party from Scotland two years after our settlement) having been authorized by the Colonial Government at my request to fill the vacancy I was then about to leave in the party, now occupies my former share of the land, amounting to about 1000 or 1200 morgen more.

I am happy to add that the sanguine hope I have always entertained of the general and ultimate success of the party

continues unimpaired, and that after an absence of three years, during which their prosperity has been checked by many difficulties and disappointments, I have the satisfaction of finding almost every family in a state of steady though slow progression. I have &c.

(Signed) THOS. PRINGLE.

[Original.]

*Letter from MR. BISHOP BURNETT to R. WILMOT
HORTON, ESQRE.*

BROWN'S HOTEL, WESTMINSTER, 9th May 1825.

SIR,—To reply at once concisely and distinctly to your letter of the 6th Instant, I must state the motive of the various applications you have enumerated consecutively as they have arisen.

My request under date the 8th of March for a remission of the sentence of banishment, with a view of returning to my family, my connections, and the conduct of the important causes wherein I am appellant, was simply the natural prayer of a petition urged upon the justice and the humanity of Earl Bathurst, resulting from the insufferable persecution I had so long sustained, and which I have so amply detailed in the various statements it became imperative upon me to lay before his Lordship.

When in the course of my correspondence with your department I found insuperable obstacles were projected to the fulfilment of my just expectations in this respect, and that Earl Bathurst was decidedly hostile to the remission of my sentence, when I also learnt from general report that no losses resulting from the conduct of Lord Charles Somerset, however illegal and despotic, would be followed by remuneration from government, I thought it advisable to submit my proposition of the 14th ultimo, both as evincing to his Lordship the placability of my character, and suggesting a mode of redress in every way unexceptionable.

But when I found this proposition not so much as glanced at in the subsequent communications made to me, that in-

definite protraction appeared to be the manifest effort of those communications, and that both his Lordship and yourself were inaccessible to that personal discussion which could alone furnish a competent acquaintance with my case, I forbore all further attempt at conciliation, and requested a distinct avowal of his Lordship's intentions, as justificatory of my immediate appeal to Parliament and the equity of public opinion.

Thus, Sir, having reconciled what may have appeared a discrepance in the communications alluded to, I beg leave to correct a mistake in your letter, by asserting that I have on no occasion used the words "*partial remission*" throughout the whole of my correspondence; nor can I by any effort of construction reconcile so palpable a contradiction in terms. A remission of the sentence can only be a remission, to qualify His Majesty's justice in this respect, however slightly, makes it susceptible of very different phraseology.

To do away however with the possibility of further misapprehension on the subject, I take the liberty of once again disclosing my wishes to his Lordship. I am well aware that the public remission of my sentence, altho' but an act of strict justice to myself, would be a virtual reprehension of His Excellency Lord Charles Somerset, and that while it is decided to continue him in his government, the lesser object must be a concession to the greater, nor have I the slightest inclination to oppose his Lordship's wishes in this respect, but I am sure his justice will at the same time admit that I cannot be expected to sit down without atonement for the utter destruction of my property and prospects; or fulfil the avowed expectations of Cape policy, without some struggle for redress; what then Sir is the extent of my pretensions that even the shadow of a difficulty should be opposed to them? I ask of Earl Bathurst to facilitate my undertaking an enterprize of peril, of hardihood, and I may add of national importance, that will at least occupy the period of my banishment from the Cape; and, with this concession, I pledge my word of honor never to touch there throughout that period unless with the approbation of his Lordship. Under this arrangement I waive even my right to the remission of the sentence, I seek no remuneration of the government for my losses, no redress for my unparalleled

grievances, and I leave Lord Charles Somerset to the course of his detestable tyranny *without the retaliation I have mentally sworn to execute*. The specific nature of my proposition I have communicated to Mr. Smith for the information of his Lordship, but to spare myself the charge of informality and prevent the delay which possibly might result from it, I repeat it here.

For the express purpose of surveying the shores of New Holland, with a view to the more perfect development of the resources of that Country, and combining with that pursuit a commercial speculation of great promise on the coasts of Sumatra and the Malay peninsula, I wish to become the purchaser of a condemned Corvette or Sloop of War; but with resources not more than commensurate to the outfit of such a vessel, I would ask of His Majesty's Government, in consideration of my claims upon its justice and the probable benefits accruing from such an enterprise, to indulge me with credit for the purchase money for a liberal period on my giving sufficient security for the payment.

I am so well aware that an arrangement of this sort, altho' not falling within the immediate scope of Earl Bathurst's department, may be easily facilitated by his interposition, that I beg to deprecate the advance of any obstacle on this ground; and I also trust that as I have now left no part of my case, or the expectations arising from it, unexplained to his Lordship, that I may be speedily put in possession of his determination.

I am Sir &c.

(Signed) B. BURNETT.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to the EARL OF CALEDON.

DOWNING STREET, 10th May 1825.

MY DEAR LORD,—With reference to your letter to me of the 3rd of May wherein you request a document from Lord Bathurst on the subject of Colonel Bird's services, I am desired to observe that the circumstance of a pension having been allowed to

that officer is to be considered as a satisfactory testimony of the sense which was entertained of his past services. But I am at the same time permitted to assure your Lordship that Colonel Bird was not removed from his situation at the Cape of Good Hope on account of his religious persuasion, nor from any suspicion of his want of integrity or assiduity, but because Lord Bathurst was completely convinced that the line of conduct which Colonel Bird had adopted with reference to circumstances which had occurred at the Cape had been one which was utterly incompatible with the confidential situation which he held with relation both to the Governor and the Government. If Colonel Bird entertained the opinion that with reference to those circumstances the Governor was in the wrong it was his duty to have communicated that opinion frankly and freely to the Secretary of State, together with the grounds upon which it was founded, in which case he could not by possibility have incurred the dissatisfaction of Lord Bathurst. I have &c.

(Signed) R. W. HORTON.

[Copy.]

Letter from MR. JOHN GREGORY to MR. JOHN INGRAM.

CAPE TOWN, 10th May 1825.

SIR,—I am directed by His Majesty's Commissioners of Inquiry to request your attention to the enclosed account of the present state of your engagement with the Lords Commissioners of His Majesty's Treasury, and of the number of Persons which the Commissioners consider you to be deficient and liable to make good previous to the expiration of the term of three years from the date of your Bond ; and I am to request that you will state to me for the information of the Commissioners, whether you admit the same to be correct.

I am also to call your attention to the Statement of the Sum in which you are indebted to His Majesty's Treasury on account of the number of Persons in which you are deficient.

I have &c.

(Signed) JOHN GREGORY, Secretary.

[Original.]

State of the Engagement entered into by MR. INGRAM with the LORDS COMMISSIONERS OF HIS MAJESTY'S TREASURY in the year 1823, for conveying a certain number of Persons from Ireland to the Cape of Good Hope.

Mr. Ingram agreed to carry out 200 men, 50 women, 100 children on the public account, and 50 persons on his own account.

The total number of persons that arrived at the Cape was 352. Of these Mr. Ingram's family amounted to 11 persons, number of men embarked at Cork 176, number of women embarked at Cork 50 on the public account and 9 on Mr. Ingram's account, number of children embarked at Cork 100 on the public account and one on Mr. Ingram's account.

Number of children born at sea 4, one native of Madeira embarked from that Island. Mr. Ingram is not allowed credit for these in consequence of their not having been embarked from Ireland.

Total 352 persons landed at the Cape.

Mr. Ingram therefore has still to bring out 24 men on the public account and 29 persons on his own account.

The amount received by Mr. Ingram from the Lords Commissioners of His Majesty's Treasury in consideration of his bringing out 350 persons at £14 per head was £4,900. Having brought out only 326 persons on the public account, Mr. Ingram should not have received more than £4,564. Mr. Ingram is therefore indebted to His Majesty's Treasury £336 for 24 men deficient at £14 per head.

Cape Town, 10th May 1825.

(Signed) JOHN GREGORY.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to MR.
BISHOP BURNETT.*

DOWNING STREET, 11 May 1825.

SIR,—I am directed by Lord Bathurst to inform you in answer to your letter of the 9th inst. that his Lordship has no funds at his disposal from which he could supply the Capital necessary for the purpose of providing you with the means of effecting the survey of New Holland nor, if his Lordship had such funds at his disposal, would he feel himself justified under present circumstances in affording you that accommodation. His Lordship has already informed you that he could not recommend a remission of the sentence of banishment which had been executed against you on the ground of its illegality ; and if that sentence were legal under the Dutch Law at present in force at the Cape of Good Hope, it would be a waste of time to show that any person placing himself under and within the controul of that law can have no claim for compensation in consequence of his falling under its regular operation. One of the most important duties delegated to the Commissioners who are now at the Cape, and to whom it appears that your Memorial had been submitted, but who have not reported to his Lordship on the subject, was an enquiry into the state of the Dutch Law, with reference to its assimilation to the English Law at the earliest practicable period, and to the correction of its administration until that ulterior charge could be effected, for which facilities had been previously given by the regulations enforcing the adoption of the English Language.

With respect to any complaints which you may have to offer against the Executive Government at the Cape, distinct from any process of law or judicial proceedings, Lord Bathurst has already informed you that he cannot feel himself justified in giving any opinion upon the nature of those complaints until all parties implicated have an opportunity of affording him an explanation of their conduct. His Lordship has already taken measures for instituting minute enquiry into the circum-

stances alleged in your complaint, and will act upon the result of that enquiry in whatever manner may appear to him to be most consonant to justice. I am &c.

(Signed) R. W. HORTON.

[Copy.]

Letter from MR. J. INGRAM to MR. JOHN GREGORY.

ZONNE BLOEM, 12th May 1825.

SIR,—I have the honor to acknowledge the receipt of your respected favor of the 10th, handing me a Statement with regard to how I stand with the Lords Commissioners of H.M. Treasury in respect to the Settlers I was to have brought out here in the *Barrossa*.

I beg leave in reply to state it is perfectly correct, and at the same time to inform you it is my intention to make good that number and much more the beginning of the next year.

I presume I need not point out to H.M. Commissioners of Inquiry the great loss it was to me not bringing the whole number after having so amply provided for them ; this however is not pleaded as an excuse.

Allow me to state I should be most happy to receive any suggestions from His Majesty's Commissioners of Inquiry as to bringing out annually a much greater number, as I think it must be obvious to them the great want of labour here, and would soon lighten the overgrown Population of the South of Ireland, and tend much to destroy slavery. I have &c.

(Signed) J. INGRAM.

[Original.]

*Letter from MESSRS. WM. BORRADAILE & SONS to
EARL BATHURST.*

34 FENCHURCH STREET, 13th May 1825.

MY LORD,—Having been requested by the Scottish and Presbyterian Community of the Cape of Good Hope to forward to the General Assembly of the Kirk of Scotland a memorial

upon the subject of building a Scottish National Church in that Colony, we had the pleasure of complying with their request and received from the Moderator a reply stating "that the object would be materially facilitated by our procuring your Lordship's sanction previous to the rising of the General Assembly which meets on the 19th Instant."

As we know the object has been sanctioned by His Excellency the Governor of the Cape of Good Hope, and as we have reason to believe your Lordship has already been addressed through that medium upon the subject, we shall feel happy if your Lordship would intimate the gracious intentions of H.M. Government in the proper quarter or sanction our giving a favourable reply to the Revd. the Moderator of the General Assembly. We have &c.

(Signed) W. BORRADAILE SONS & RAVENHILL.

[Original.]

*Letter from MR. ABRAHAM BORRADAILE to R. WILMOT
HORTON, ESQRE.*

COMMITTEE ROOM, 25 ROOD LANE, 13th May 1825.

SIR,—If it will be convenient for you to appoint any day in the early part of next week to see me respecting the Breakwater in Table Bay, I can bring with me the Master of a Merchant vessel who has surveyed the Bay with a view to the proposed object, and as you mentioned your intention of inviting Mr. Rennie to meet us I would suggest that he might probably procure some information on the subject by applying to his relation Capt. Rennie, R.N., who commanded one of H.M. Sloops of War on that station a short time since. I am &c.

(Signed) ABRAHAM BORRADAILE,

Chairman of the Cape of Good Hope Trade Committee.

[Copy.]

Letter from the Landdrost of George to the Commissioners of Enquiry.

GEORGE TOWN, 13th May 1825.

GENTLEMEN,—With reference to your circular letter of the 5th ultimo, I beg leave to transmit to you the enclosed statement of taxes levied here at the opgaaf of the current year. And with the highest respect and esteem, I have &c.

(Signed) J. W. VAN DER RIET, Landdrost.

DISTRICT GEORGE.

STATEMENT OF TAXES LEVIED AT THE OPGAAF OF THE CURRENT YEAR:

ORDINARY TAXES:

Head Money ;
Tax on Cattle ;
Tax on Produce ;

Levied according to the following Tariff, inserted in the proclamation of 1st April 1814.

Head Money :

All heads of families, men and women ; all men above 16, and all women above 20 years of age, per head 2½ Rds.

Cattle :

Each head of black cattle	2 stivers.
„ saddle or waggon horse	4 „
„ breeding horse	2 „
„ twenty-five sheep, goats or pigs	6 „

Produce :

Each muid of wheat	} 2 „
„ rye	
„ barley	
„ oats	. . . . .
Each leaguer of wine	16 „
„ brandy	36 „

EXTRAORDINARY TAXES:

Commando Tax.

Contribution for waggons, horses, &c. required for the public service of government.

Church Tax ; 12 skillings each inhabitant ; pursuant to government letter, dated 3rd October 1814.

Tax for the keeping in repair of the road over George's Hill, *Rds.* 2 each inhabitant, sanctioned by government letter of the 24th of February 1817.

The extraordinary taxes are regulated after the said tariff, by making a proportionate augmentation on the items of taxation ; for instance,

The total of the ordinary taxation amounting to *Rds.* 12, three fourths, being *Rds.* 9, is paid for commando tax, and one half, or *Rds.* 6, for contribution for waggons, horses, &c. required for the public service of government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 14th May 1825.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Despatches under date the 9th of February last, together with the Additional Instructions (therein inclosed) which His Majesty had been Graciously pleased to issue under His signet and Sign Manual, for Establishing a Council in this Colony to assist in the Administration of the Government thereof, and to acquaint Your Lordship that I took immediate steps for carrying His Majesty's Commands into Effect, as you will perceive by the inclosed Copy of the Proclamation I issued on the occasion.

The several Members of Council, as selected by His Majesty were summoned to meet at the Government House on the 4th Inst., and were sworn in by me, under a Royal Salute, but independently of the Oath which I administered to them under His Majesty's Instructions, I took upon myself to add an Oath of Secrecy, according to the accompanying form ; and I trust Your Lordship will approve of this Measure, when you take into consideration the Constitution of this Council, and the probability of frequent changes taking place among the Members thereof, particularly in the Person of the Second in Command of His Majesty's Forces in this Colony, who must be changed with almost every change of Military Force which takes place here.

Your Lordship does not mention in Your Dispatch whether the Councillors are to have the Title of "Honourable" as in

Ceylon, and I believe in others of His Majesty's Colonies where Councils exist.

I have therefore not authorised such an Appellation, but I request to have Your Lordship's Commands on the Subject.

I have also, in pursuance to Your Lordship's Instructions made a temporary arrangement for executing the Duties of Clerk of the Council by appointing P. G. Brink, Esqre., Assistant Secretary to Government, as Clerk of the Council, but as it will not be possible for that gentleman to give up much of his time from his other Avocations, I have nominated Mr. Thomas Millar to assist him in the Duties of his Office, and to keep the Council Books and Records, and I have divided the Salary of £800 a year which your Lordship affixed to the Office of Clerk of the Council between those two Gentlemen. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

I do swear that I will not upon any Account at any time whatsoever disclose or discover any matter or any discussion upon any matter brought before this Council nor the vote or opinion of any particular Member thereof unless to His Majesty's Government or when required to give Evidence as a Witness by a Court of Justice in due Course of Law. So help me God !

[Original.]

Petition of the REVEREND GEORGE MORGAN.

To the Right Hon'ble Earl Bathurst.

The Humble Petition of George Morgan Sheweth,

That your Petitioner is a Licentiate of the Church of Scotland, about to proceed to the Cape of Good Hope under the auspices of His Majesty's Government, as a Minister of the Reformed Dutch Presbyterian Church there ;

That, in order to qualify your Petitioner for the discharge

of the duties of the situation to which he has been appointed, it was necessary for him to spend some time in Holland for the purpose of acquiring a knowledge of the Dutch Language, in which your Petitioner trusts he has made considerable proficiency, as will appear by the Certificates transmitted to Mr. Horton. But the unavoidable and necessary expence to which your Petitioner has been subject has exceeded the amount allowed for that purpose by the Sum of £25, notwithstanding your Petitioner (as he can shew by an account of his Disbursements) has studied the most rigid economy.

That your Petitioner has been informed that the Revd. Colin Fraser, who has gone out under similar circumstances with your Petitioner, was allowed the surplus expences, amounting to about thirty pounds sterling, on application to your Lordship.

Your Petitioner humbly takes leave to add that the sum of forty pounds sterling allowed for a passage to the Cape is not sufficient, on the lowest possible scale of economy. He has engaged a passage in the Brig *Kerswill* of 175 tons, to sail in a few days, for which he must pay the sum of forty-two pounds sterling besides incidental expences, amounting to perhaps four or five pounds more, leaving nothing for outfit.

That did the circumstances of your Petitioner admit of such extra expence, he would not have presumed to address your Lordship ; but the truth is that he has been reluctantly compelled to seek assistance from relations who can ill afford it.

That should your Lordship be pleased to grant the prayer of your Petitioner, he is frank to confess that the only burthen on his mind (save that which everyone must feel at taking perhaps a final farewell of kindred and home) will be removed.

Your Petitioner humbly trusts that your Lordship will be pleased to take his case into your favourable consideration and afford him such assistance as your Lordship may deem proper.

And your Petitioner shall ever pray.

[Original.]

Letter from the REVEREND DR. MANUEL *to* R. WILMOT
HORTON, ESQRE.

UPPER CLAPTON, *May 14, 1825.*

SIR,—I have the honor to acquaint you that the Revd. George Morgan has just arrived in Town from Holland, where he has been for the last six months studying the Dutch Language. I have the pleasure of transmitting to you his Certificates from the Masters under whom he has studied, who speak highly of his application and proficiency. As soon as he has received the allowance from Government for his passage &c. (which I believe is now £70) he will be ready to embark for the Cape of Good Hope by the first ship that sails.

Mr. Morgan requests me to state for the kind consideration of Earl Bathurst that the fifty pounds which he received from Government to defray his expences in Holland were inadequate for that purpose, and that he has been obliged to draw upon his Friends in Scotland to the amount of thirty pounds more, which he has to repay. If his Lordship would allow him that sum, it would be a great accommodation, and would enable him to leave this Country with his finances quite unincumbered.

I shall request Mr. Morgan to call at the Colonial Office in the course of two or three days for a reply, and should anything require my attention, I shall be most happy to give it.

I have &c.

(Signed) WM. MANUEL.

[Original.]

Letter from the REVEREND WM. GEARY *to* R. WILMOT
HORTON, ESQRE.

6 SOMERSET PLACE, ALBANY ROAD,
CAMBERWELL, *16th May 1825.*

SIR,—Aware of the press of business that now engages your attention, I am persuaded that I shall better consult your inclinations in forwarding to you the enclosed papers, than in soliciting permission to pay my respects to you in person.

May I request, that in conformity with the requisition in his 2nd letter, Mr. Courtenay may be so far satisfied as to be induced to relinquish his claims upon me, agreeably to the expectations expressed in my reply to his application ?

I should also feel, Sir, particularly indebted to you, if you would have the goodness to remind Earl Bathurst that I am completely out of employ, and that his Lordship's kindness will be warmly appreciated, if with as little delay as possible, I could receive an appointment, agreeably to his kind promise, to enable me to support a wife, and a family of children.

I have &c.

(Signed) WM. GEARY.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. WILMOT
HORTON, ESQRE.

CAPE TOWN, 17 May 1825.

MY DEAR SIR,—Lord Charles has seen in the *Times* Newspaper some very severe attacks upon him for having, as they assert, encreased the punishment awarded by a Court of Justice here on the person of John Carnall, a man who assisted in the escape of the convict Edwards.

He has therefore desired me to send you the Proceedings of the full Court of Justice in this case, by which it appears that the sentence of the Court was five years Transportation to Botany Bay, and that Lord Charles commuted it to Banishment from this Colony for a similar period.

It is very true that the first sentence against this man by the Commissioners from the Court of Justice was only three years Banishment, and the *Times* says that the *Prisoner* appealed from this Sentence, and the result was that it was *increased*, but the fact is that the Fiscal appealed as well as the Prisoner, and upon this appeal the full Court of Justice sentenced him to five years Transportation to Botany Bay, and which Lord Charles commuted to Banishment from the Colony. Yours &c.

(Signed) RICHARD PLASKET.

[Copy.]

Note from the COMMISSIONERS OF ENQUIRY to LIEUTENANT-COLONEL BIRD.

The Commissioners of Enquiry beg leave to submit to the perusal of Lieutenant Colonel Bird a letter and enclosures that they have received from the Assistant Secretary to Government in reply to the request made by the Commissioners to be furnished with copies of the documents referred to by Lieutenant Colonel Bird in his answer to the second query. The Commissioners also beg leave to return an extract of the answers of Lieutenant Colonel Bird to that query, with a view to afford him an opportunity of modifying, if he should see occasion for doing so, the very ample explanation he has afforded them in his answer.

Impressed as the Commissioners are with the importance of that explanation, as it regards the interests of the Colony in the establishment of the Office of Chief Secretary to the Government, the Commissioners have framed some further queries to which they are desirous of being favoured with Colonel Bird's answers.

Cape Town, 18th May 1825.

P.S. It is requested that the documents numbered from 1 to 4 may be returned to the Commissioners.

[Copy.]*Note from LIEUTENANT-COLONEL BIRD to the COMMISSIONERS OF ENQUIRY.*

Lieut.-Col. Bird presents his compliments to the Commissioners of Inquiry, and before he takes into consideration the Interrogatories transmitted to him with their note of yesterday's date, with which they have also returned to him his reply to the 2nd query proposed to him last month, he will be obliged to them to point out in what parts they consider that reply to require modification, it being returned to him, as expressed, "to afford him an opportunity of modifying it."

LIESBEEK COTTAGE, 19th May 1825.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 20th May 1825.

MY LORD,—I have received and taken into the most attentive and serious consideration, the Report of the Commissioners of Enquiry at the Cape of Good Hope, dated on the 12th of October 1824 in answer to my reference to them of the representations made by Mr. D'Escury to my Under Secretary, on the subject of certain Grants of Land, made by your Excellency in favor of Mr. and Mrs. Redelinghuys. I have at the same time had under my consideration four additional letters addressed to me by the Commissioners, in explanation of some passages of their report and dated on the 16th and 18th of October and the 6th and 8th of November 1824, the very voluminous collection of Papers consisting of Evidence oral and documentary transmitted by the Commissioners in support of their Report has also engaged my careful attention; and I am now to signify to your Excellency the conclusions to which I have been led by my investigation of the whole of this Subject.

It will be convenient that I should first recapitulate those facts which in the consideration of this subject have appeared to me most important; and I am the rather disposed to enter upon such a statement, because the Commissioners in their laudable anxiety to omit nothing which could throw light upon the merits of the question have been unavoidably led into a variety of investigations, the bearing of which upon the principal point in dispute is comparatively slight.

It appears then that two distinct negotiations were entered into by your Excellency's Agent Mr. Poggenpoel respecting the sale of the Horse, known by the name of "The Sorcerer Colt," the first with Dirk Cornelius Okhuyzen, the second, with Mrs. Louw and the Members of her family; the general outline of the proceedings upon the Treaty with Okhuyzen would seem to be as follows:—

On the 19th of June 1817 Okhuyzen presented a Petition to your Excellency praying for a Grant, on quit rent, of two farms in the Hantam District. On the same day, as I collect

from a comparison of the dates, a copy of this Petition was transmitted by your Excellency through the Colonial Secretary, to the Deputy Landdrost of the District with a direction that an immediate Report should be made upon it. Of this letter Okhuyzen himself was the bearer.

The dispatch with which this Petition was expedited to the proper authorities would be a subject of commendation, were it not that other circumstances which occurred at the same period have given occasion to an unfavorable interpretation of the Motives which occasioned so early an attention to the request of this particular applicant.

It is stated by three persons that in the month of June or July 1817 an interview took place between your Excellency and Okhyuzen, at your Country Residence of Newlands, when you accompanied him to the Stables in which *the horse in question* was then kept. It is impossible to reconcile the representations which are given by Okhuyzen himself, by Poggenpoel, and by Mr. Kinniburgh, the only other party present, of what passed on this occasion. It is, however, clear that either in a direct communication to yourself, or through the intervention of Poggenpoel as an Interpreter, Okhuyzen availed himself of this opportunity for intimating that he could not become the *purchaser of the horse*, unless he should obtain a Grant of the Land for which he was soliciting. It is equally clear that he received a severe rebuke from your Excellency for the impropriety of this language.

Neither the Report of the Commissioners nor the evidence accompanying it, enable me to discover the precise date of this interview; nor can I collect whether the reference of Okhuyzen's Memorial to the Deputy Landdrost preceded or followed the conversation at Newlands.

It is, however, placed beyond all dispute, by the confession and letters of Poggenpoel himself, that he had frequently communicated with Okhuyzen on the subjects of the grant of the Land, and the sale of the horse; as arrangements which, in some manner, were dependent upon, or at least connected with each other.

Indeed in a letter dated August 1817, these topics are not only discussed together by Poggenpoel, but your Excellency is represented as having expressed your surprize that any

uncertainty remained on the subject of the Land, and at the same time as calling upon Okhuyzen for a positive answer, whether or not he wishes to have the horse "purchased by him conditionally" for ten thousand Rix Dollars. Poggenpoel explains the word "conditionally" as referring not to any condition for uniting together these different objects in one connected arrangement, but as referring to Okhuyzen's ability to effect a partnership with another person, and thus to obtain proper stabling for the maintenance of the horse. It would be idle to rely with confidence on the veracity of any statement proceeding from such a person as, by his own representation of his own conduct, Mr. Poggenpoel appears to be. I am, therefore, by no means satisfied that some sordid bargain may not have been made between Okhuyzen and Poggenpoel, for the direct benefit of the latter, on the subject of this horse, a supposition which would explain that extreme anxiety, otherwise scarcely intelligible, which is manifested by Poggenpoel for the completion of the arrangements between them. But it is highly gratifying to me to perceive, not only that Poggenpoel himself earnestly acquits your Excellency of all knowledge of his negociations respecting the Grant of Land to Okhuyzen, but that neither the Documents nor the oral testimony furnish any ground whatever for imputing to you any participation in this disgraceful traffic. It is satisfactory also to perceive that although Okhuyzen did not become the purchaser of this horse, he ultimately succeeded in obtaining, in substance, the object of his Petition. I regard it as a fortunate circumstance, that your Excellency was enabled, without injury to the public Service, and in conformity with the opinion of the local authorities, to permit Okhuyzen to occupy the land he had originally solicited. Had your public duty compelled you to refuse his request, it is obvious that you would have been exposed to the most injurious misrepresentation respecting the cause of his disappointment.

The second Treaty into which your Agent Mr. Poggenpoel appears to have entered on the subject of this horse, was that in which Mr. and Mrs. Redelinghuys are implicated.

I collect from the various documents before me, that Sebastian van Reenen was the original Proprietor of an Estate called the Gemerkte Carreehouste Boom, situate in the

Hantam District, and that, whether accurately in point of Law or otherwise, he did in point of fact claim an exclusive right of pasturage on the Hantam Mountain, as a Privilege attached to that Estate. This claim seems to have been advanced at least thirty eight years ago. At that time, the Landdrost would appear to have acquiesced in this pretension, and the Colonial Government of that day at least, did not oppose it. Five only of the Neighbouring Proprietors were then understood to possess a right of grazing a limited and inconsiderable number of Horses on the Mountain, during certain seasons. It further appears that this Estate was sold thirty five years ago, when this supposed right of Pasturage was one of the subjects of conveyance ; and if I rightly collect the effect of the legal proceedings which terminated in June 1790, it would seem that the Supreme Court of Justice of the Colony were so far from regarding the claim as illegal, that they compelled the purchaser to pay the price, without compelling Van Reenen to give any express Warranty of his Title.

By a series of Transactions, which it would be useless to notice more particularly, this property, with all its incidental privileges (whatever they may have been) became vested in Jacobus van Reenen, who appears to have held two other Farms, or Loan places upon the declivities of this Mountain, or in its immediate vicinity. I cannot however omit to remark, that the whole series of Documents explaining the History of this transmission of property from Sebastian to Jacobus van Reenen, manifest, that the exclusive right of Grazing on the Hantam Mountain was asserted without interruption by the successive Owners of the Gemerkte Carreehoute Boom, and regarded with favor, if not indeed actually recognized, both by the existing Dutch Authorities, and by many of the neighbouring Proprietors.

Jacobus van Reenen on the 29th of December 1814 sold his Estates in the Hantamberg to Jacobus Louw. These Estates were the Gemerkte Carreehoute Boom, the Groote Vlake and the Riet Valley. The two former appear to have been retained by William Louw, till the period of his death, when they passed to his widow. It is here material to notice, that a certain portion of Land, immediately adjoining the Estates called the Gemerkte Carreehoute Boom and the Groote Vlake, seems to

have been occupied by William Louw with those farms, rather by sufferance of the Colonial Government, than under any actual Grant or distinct claim of Right.

In the month of August 1817 your Agent Mr. Poggenpoel appears to have gone in pursuance of your Instructions to that remote part of the Colony in which these Estates are situate, with the view of either selling the horse, or deriving a profit from his services as a Stallion. The motives of this Journey to a place so distant, and accessible only by rough and unformed tracks, are discussed at great length in the papers before me. Poggenpoel himself attributes the journey to the advice of Okhuyzen, the latter denies that he gave any such recommendation. It may not be very material to enquire which of the parties is the more entitled to credit. It sufficiently appears from an investigation of the evidence, that this District, remote as it was from the seat of Government, was yet a place in which the breeding of Horses is an object of much attention. I perceive, indeed, that the annual return of horses in the District shews that 1463 were kept there at the same period. It would therefore be needless to seek for other explanations of your Excellency's motives in sending the Stallion thither. It appears to have been the quarter where the services of the Horse could have been most advantageously employed.

Mr. Poggenpoel having failed in his attempts to sell the Horse, returned to Cape Town, leaving it in charge of a person resident in the District; during his own residence there he had, as it would appear, made a conditional arrangement with the Family of Louw for the sale of the Horse to them for ten thousand Rix Dollars, but the completion of this bargain seems to have been dependent on the consent of the widow, who was already on her journey to Cape Town, for the purpose of exhibiting the Inventories of her husband's Estate. Upon that journey she was overtaken by Poggenpoel, the bearer of a letter addressed to her by her Father in Law Mr. Louw. In this letter Mrs. Louw appears to have been urgently advised to apply to your Excellency for a Grant of the Government Lands then occupied together with one of her Estates; and to purchase the Horse on the terms demanded, if a more advantageous arrangement should not be practicable. Not-

withstanding Poggenpoel's denial, it is impossible to resist the weight of the concurrent proofs in favor of the conclusion that he was fully apprised of the wish of this family to blend these different objects together, if indeed he was not himself the author of the plan.

Shortly after her arrival in Cape Town, Mrs. Louw appears to have entered into communication with Van Reenen, the former proprietor of her Estates in the Hantam District, respecting the best means of obtaining a Grant of the land, nor is there the least room to doubt that these persons entertained the opinion that the purchase of the horse would facilitate the accomplishment of her principal object. It is observable however that these parties were not admitted to an interview with your Excellency, and Mrs. Louw returned to her residence in the Country leaving Mr. Van Reenen to prosecute her applications at Cape Town.

On the 11th of November accordingly Mr. Van Reenen presented to your Excellency a Memorial in the name of Mrs. Louw, praying that her two Estates in the Hantam District, with the Government land adjoining them, might be granted to her in perpetual quit-rent. On the 19th of the same month, the Colonial Secretary, by your Excellency's direction, forwarded this Memorial to the Landdrost of Tulbagh calling upon him to report thereon for your information. Subsequently to this reference, but in the same month of November, Mr. Poggenpoel completed the sale of the Horse, which was bought by the family of Louw, in partnership, for the sum of Ten thousand Rix Dollars.

The sale of this horse for so large a sum has, I observe, most properly called forth the utmost exertion on the part of the Commissioners to ascertain whether the payment of so large a price for a Horse, in the Colony of the Cape of Good Hope, does not afford reasonable ground for suspecting the fairness of the whole transaction. I distinctly understand, from the result of their enquiries that the amount of the price does not form any ground of imputation against your Excellency. The testimonies to the reputed value of this Horse are abundantly sufficient to satisfy any person, however ignorant on such topics, that the price received was not in itself exorbitant or excessive. I observe indeed that another horse which in the

opinion of competent judges appears to have been of decidedly inferior value, was sold by another person for an equal sum, and that there are many circumstances sufficiently explanatory of the reason why such large prices have been demanded and paid for Horses at the Cape of Good Hope.

In consequence of the reference to the Landdrost, that Officer appears to have proceeded to the Hantam District in February 1818, accompanied by the Heemraden, to inspect the Land. On the 5th of March the Landdrost transmitted to the Colonial Secretary a letter in which, adverting to Mrs. Louw's claim to the pasturage of the Hantam Mountain, as appurtenant to her Estate of Gemerkte Carreehouste Boom, the Landdrost expresses his opinion that such an extent of ground is too much for one person, and draws a most unfavorable picture of the state of Mrs. Louw's farming Establishment.

On the 4th of May the Landdrost and the Heemraad Van Wyk made their Report to your Excellency, in obedience to your reference of the 19th of November. This Report is made according to the printed form prepared for that purpose ; and in the column appropriated to the enquiry "whether the granting of the Land asked for, would be consistent with the interest of Individuals and with that of Government," the Report is made in the following words : "consistent with the interest of Government, and of the Petitioner," and in reference to the place called Gemerkte Carreehouste Boom, it is remarked by the Landdrost and Heemraad, as follows : "with this place is granted the Hantam Mountain, as appears by the annexed Extracts : this Mountain which is of very great extent, can safely be appraised at a yearly Rent of one hundred Rix Dollars to be paid to Government."

It appears that your Excellency upon receiving this Report referred it to the consideration of Mr. D'Escury, and that on the 25th of January 1819, Mr. D'Escury made his Report to you, in which after objecting to the grant on various grounds, he suggests the propriety of your Excellency directing a further enquiry into the nature of this land, and the situation of surrounding places relative to it. While these Papers were under the consideration of Mr. D'Escury, the marriage between Mrs. Louw and Mr. Redelinghuys took place, and on the 2nd

of February 1819 Mr. Redelinghuys presented a further Memorial to your Excellency praying for a Grant in quit rent of certain additional Lands.

On the 13th of February 1819 this application also was referred by your Excellency to Mr. D'Escury, with a direction that he should make to you a general Report thereon.

On the 16th of February Mr. D'Escury did accordingly make his Report, in which he suggests certain precautions against the abuse of the additional Grant solicited by Redelinghuys, in case it should be made.

It further appears that your Excellency at the same time, or nearly the same period, required Mr. D'Escury to report to you in what manner the use of the Hantam Mountain could be most beneficially extended without injury to the fair pretensions of Mrs. Louw, and how she might be most effectually bound to place an adequate quantity of Stock upon that land. Mr. D'Escury made his Report in obedience to this reference on the 1st of March 1819.

On the 21st of May 1819 I perceive that your Excellency referred back to the Landdrost the various applications of Mrs. Louw, calling upon him for a minute Report on the various objections and difficulties made by Mr. D'Escury with respect to the Grants of these Lands.

Whilst this reference was under the consideration of the Landdrost, and had not yet been acted upon, Mr. Redelinghuys presented a Petition to your Excellency asserting more fully than had hitherto been done, the right of his Wife and himself to the exclusive Pasturage of the Hantam Mountain, as appurtenant to their Estate called Gemerkte Carreehoue Boom, and praying a Survey and a Grant of it to him in perpetual quit rent.

The Landdrost not having made his second Report, your Excellency on the 15th of October 1819 called upon him to make an early answer to your reference of Mr. D'Escury's objections.

On the 8th of December 1819 the Landdrost accordingly made his Report to you; this Report it is highly important to observe, is distinctly and strongly in favor of making to Mrs. Redelinghuys a Grant in quit rent of the Government Lands adjoining her farms called Gemerkte Carreehoue Boom

and Groote Vlakte, and the Landdrost unequivocally retracted his former opinion, that these lands ought to be divided, and greatly qualified the account he had given of the mismanagement of Mrs. Louw's property. As far, therefore, as related to these Lands, it is impossible not to consider the Report as decidedly favorable to the applicant. With respect to the Pasturage of the Hantam Mountain, the Landdrost recommended either that a reservation should be made in favor of the occupiers of adjoining Lands, of the right of sending their horses thither during the sickness, or that the Pasturage should be let to the highest bidder for five or ten years, or that it should be granted to Mrs. Redelinghuys at such an annual rent as your Excellency might think proper.

This Report appears to have been brought under your Excellency's notice by the Colonial Secretary in the month of December 1819, and by him your Excellency's attention was particularly called to the Landdrost's remark respecting the propriety of reserving the Pasturage of the Hantam Mountain, as a place of refuge for all the horses in the vicinity during the season of sickness. On the 24th of the same month, the Deputy Secretary addressed a letter to the Landdrost, signifying to him your Excellency's approbation of the valuation he had made of the quit rents on the farms called Groote Vlakte and Gemerkte Carreehoute Boom ; and with respect to the right of grazing on the Hantam Mountain, you directed that a survey should be made in order to form a valuation of the perpetual quit rent thereupon ; and further that an enquiry should be instituted as to what persons possessed a right of grazing there, and subject to what conditions that right was held ; and your Excellency is represented in Mr. Ellis's letter as " being disposed to comply with the application of Redelinghuys, provided that the rights of other Individuals were not thereby affected."

On the same day as that upon which this letter is dated, viz. : the 24th of December 1819, your Excellency completed the Grants to Redelinghuys of the Government lands adjoining and held with the Estates of his Wife, called Groote Vlakte and Gemerkte Carreehoute Boom. Pausing at this period of the narrative I observe that according to the Report of the Commissioners, it distinctly appears that the public Officers

under whose recommendation your Excellency acted in making these grants, are regarded in the Colony as the highest authority upon such Subjects ; and that even had your Excellency thought it necessary to call upon Mr. D'Escury for further assistance in correcting the opinion of the Landdrost and Heemraad, and the Land Surveyor by whom they were assisted, it would not have been in your power to have had the benefit of his advice ; as he appears to have been at that time absent from the Colony. It is, therefore, important as well as just to perceive, that so far from any precipitation having been used in making these Grants, an interval of more than two years and one month elapsed between the Petition of Mrs. Louw and your final decision upon it ; and that in that interval, the subject was twice referred to the proper authorities, after having been fully discussed by Mr. D'Escury ; and that at length the Grants were completed with the entire approbation of the persons upon whose information and judgment you were unavoidably compelled to rely.

I am disposed to concur in the result of the enquiries which the Commissioners have made with regard to these grants, that they were inconveniently large, and that two distinct allotments might have been more properly made. As it does not, however, appear that this objection was stated to you ; and it is clear that the Grant was previously sanctioned by those to whom it was officially referred ; the observations which this part of the Report will call for must be postponed to the time when the system by which the Grants of land at the Cape are in future to be regulated shall come more immediately under my consideration.

The question respecting the Pasturage of the Hantam Mountain still remained undecided ; and it appears that an interval of three years expired, after the completion of the Grants of December 1819, during which no further measure was taken in reference to this subject. The greater part of that period was passed by your Excellency in England.

At length in January 1823 a Petition was addressed to your Excellency by Redelinghuys, praying that you would decide whether the survey of the Mountain should take place in order that he Redelinghuys might not in future be disturbed, in the enjoyment of it, by his neighbours. Another Memorial was

presented to your Excellency, at about the same period, by some of the Neighbours of Redelinghuys, protesting against the exclusive privilege thus claimed by him. These applications appear to have been referred by your Excellency to the Deputy Landdrost of the District on the second of January 1823. In obedience to this reference, the Deputy Landdrost on the 30th of the same month of January reported that Redelinghuys had withdrawn his claim to any exclusive right to the Mountain, a right which the Deputy Landdrost observes, he could not sustain.

On the 19th of December 1823 your Excellency signified to the Landdrost your decision, that the whole summit of the Hantam Mountain should be for ever appropriated as commonage to the Estates in that division. On receiving an order to comply with this decision and to remove his Cattle from the Mountain, Redelinghuys appears to have repaired to Cape Town to remonstrate against it, and he there presented to your Excellency a Memorial in which he distinctly asserts his Title to the Pasturage of the Mountain, under the grant of the ancient Dutch Government, and declared that he had never intended to relinquish this right, and requested that a further enquiry might be instituted; and that the grant might be made to him with certain stipulations in favor of the five persons who alone, as he conceived, were entitled to participate in the advantages of this grazing ground during the prevalency of the Horse sickness.

This Memorial was on the 13th of February 1824 referred by your Excellency to the Deputy Landdrost of the District with directions for him to make a most minute Report thereon for your Excellency's information. This reference was answered by a Report on the 20th of the same month, in which the Deputy Landdrost expressed his opinion that the property of Redelinghuys would be materially injured, were he entirely deprived of the Hantam Mountain; and that the Inhabitants of the District would have sufficient Pasturage for their horses exclusive of it, but that your Excellency's decision, granting a right of commonage enabling Proprietors during the prevalence of the horse sickness was a measure of great public benefit.

On the 4th of March 1824 your Excellency announced to

the Deputy Landdrost that you had postponed your decision on this case, but that, in the meantime, the Cattle of Redelinghuys were not to be disturbed on the Mountain, adding that should the Horse sickness break out, he, the Deputy Landdrost, was to allow the Stud of others to be sent there during the prevalence of the Malady.

It appears, therefore, that in point of fact the pretensions of Redelinghuys to the exclusive pasturage of the Hantam Mountain are to this moment undecided, and although Mr. D'Escury has broadly insinuated that your conduct on the subject of this pasturage was marked by a degree of inconsistency to be accounted for only by supposing Redelinghuys to have exercised over you the influence of threats and intimidation, it is due to your Excellency to state, that I cannot perceive, in the documents before me, any ground whatever for so serious a charge. On the contrary, I cannot but think that your proceedings upon this part of the case have been perfectly consistent, and free from all appearance of mystery or alarm. You did not adopt any measure or even express any opinion on the subject without a previous reference to the proper authorities. When in December 1819, you expressed your disposition to comply with the application of Redelinghuys provided that the rights of other Individuals were not thereby affected, you had before you the Report of Mr. D'Escury of the 1st of March 1819 and that of the Landdrost of the 8th of December 1819, from both of which it might not have been unreasonably inferred that the claims of Redelinghuys to this Pasturage were such as he might maintain as a matter of strict and absolute right. The Commissioners have in their report observed that it would have been more consistent with regard to the public interest "if your Excellency had refrained from expressing any wish that the enjoyment of the privilege should be confined to Mr. Redelinghuys alone even with the Proviso that such concession did not interfere with the rights of Individuals." I should concur in this opinion if the qualified recommendation of Mr. Redelinghuys' application were to be understood as intimating your disposition to shew indulgence to his claims, and to confine his neighbours to their strict and positive legal Rights.

It appears however that when in January 1823 the claims

of Redelinghuys were renewed and opposed by his neighbours you referred the representations of both parties to the Deputy Landdrost.

When in December 1822 you decided that the whole summit of the Mountain should be held in commonage you acted upon a Report from the Deputy Landdrost informing you that Redelinghuys had abandoned his claims; when again in February 1824 you directed those claims to be investigated anew, and suspended the execution of your last order, you acted upon information (which till then you had not received) that Redelinghuys had been misunderstood with respect to the abandonment of his pretensions. If it be alleged that in these several steps you did not persevere in one uniform course, it is due to your Excellency to remark that in each successive change of your Instruction you were influenced by each successive change of representations brought under your notice.

The Commissioners conclude their review of the whole of this case by reporting that "They had not found reasonable or sufficient ground for concluding that the several grants of land were made by your Excellency to Mr. Redelinghuys in consideration of the sale of a horse," but that they think that "a want of discretion has been manifested by your Excellency in confiding to your Agent Mr. Poggenpoel the management of a transaction in which the integrity of your Excellency's public character could be brought into question," by blending together the conduct of Agent and Principal.

After a full consideration of the whole case, I cannot but regret that your desire to improve the Breed of Horses at the Cape ever led you to embark in their importation or sale on your own account, the value of a horse is purely conventional, there is no acknowledged test by which if he who purchases is dissatisfied, the justice of his complaint can be conclusively tried, and therefore it is that few Gentlemen, who engage largely in the purchase and sale of Horses, escape in the end without some reproach. If Individuals in private life are liable to such censure, to what must a Governor of a Colony be exposed where few approach him who are not considered as having something to hope or something to fear from his favor or displeasure?

In the present instance there is this unfortunate coincidence that the parties concerned in the treaty for the horse were in both instances at the same time applying for Grants of Land, and it is to be lamented that under such circumstances you did not impose upon yourself a circumspection which would have set malevolence at defiance. I am aware that you referred the grants for the consideration of the regular Official Authorities ; that in the first instance the grant which was applied for was concluded, although the horse was not sold ; that in the other the grant to which you ultimately acceded had been previously approved by the Official Authorities, and that it was not in point of fact completed for more than two years after the sale of the horse, the price of which was not higher than what another person in the settlement had obtained for a horse of no superior if not of inferior value.

In the mind of any candid person the sale of the horse and the grant of the land become thereby separate and distinct transactions, but as they had been simultaneously commenced, they might be easily confounded, and candour, my Lord, is not the measure by which you ought to expect that the conduct of Public Men will be generally estimated.

Insinuations however to your prejudice might have been disregarded, if letters had not been produced and conversations reported in which your name is unfortunately implicated.

I need not assure you that I entirely concur with the Commissioners in absolving you from all suspicion of your having been privy to these communications. But when it is seen how much your character was in the hands of the low and vulgar persons, whom, after all, it must be necessary for you to employ in such matters, and how much you must have felt on discovering the manner in which your name had been abused, I should have thought it unnecessary for me to recommend you to get rid of this Establishment, even if I had not been given to understand that you had already done so.

I am fully aware of the very great advantage which the Settlement has derived in a variety of ways from the example you have set in introducing a superior breed of horses into the Cape, and it is possible that this could not have been so effectually obtained without your having personally engaged in it ; the time however is gone by, since which your inter-

vention can be any longer necessary ; and I cannot but sincerely lament that engaging in this concern, you did not prescribe to yourself regulations which as an Individual would have been unnecessary, but which in your public capacity, were requisite to guard against the unworthy imputations to which a Governor is too much exposed from those whom an honest discharge of his duty may disappoint or offend. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from JOHN GREGORY, ESQRE., *to* LAND SURVEYOR
TULLEKEN.

CAPE TOWN, 20th May 1825.

SIR,—I am directed by the Commissioners of Inquiry to acknowledge the receipt of your letter dated the 17th Inst., accompanied by your answers to their Interrogatories respecting the Boundaries of Mr. Parker's Lands.

In consequence of the discrepancy that is found to exist between your evidence and that of other Persons whom the Commissioners have examined upon the same subject, it becomes indispensably necessary that the Commissioners should examine you further upon it, and they have therefore directed me to request that upon the receipt of this letter you will lose no time in repairing to Cape Town and attending at their Office No. 12 Grave Street. I have &c.

(Signed) JOHN GREGORY.

P.S. The reasonable expences of your journey to and from Cape Town will be defrayed by the Commissioners of Inquiry.

[Copy.]

Letter from MR. JOHN CARNALL *to* R. W. HORTON, ESQRE.

64 LONG LANE, BERMONDSEY, 20th May 1825.

SIR,—I beg to state for the information of Earl Bathurst, that as no doubt can exist in the mind of any unprejudiced

and impartial person that the treatment I have experienced at the hands of the colonial government is scarcely paralleled for oppression and injustice, I can consider no redress short of the immediate remission of my sentence, and full pecuniary compensation for all my losses, as a just and satisfactory measure on the part of his Lordship. I have &c.

(Signed) JOHN CARNALL.

[Copy.]

Note from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT-COLONEL BIRD.

CAPE TOWN, 21st May 1825.

The Commissioners of Inquiry present their compliments to Lieutenant Colonel Bird, and with reference to the point on which they conceived it might be his wish to modify the statement contained in his reply to the 2nd query transmitted with their note of the 18th Inst., they request to explain that on perusal of the warrant appointing Mr. Barnard to the office of Colonial Secretary, they have observed that an authority was delegated to him to appoint such Deputies and Assistants within the Districts of the settlement as should be approved by the Governor.

As Colonel Bird has stated that the nomination of Assistants in the Colonial Office rests with the Secretary, the Commissioners have been in some doubt whether such authority was considered by Colonel Bird to emanate from the clause in the warrant by which Mr. Barnard was authorized to appoint Deputies and Assistants in the Districts.

In his explanation upon this point the Commissioners would further request Colonel Bird to state whether the authority thus conveyed has at any time been considered to extend to the nomination of the District Secretaries, or whether the recommendation of qualified persons to fill those offices has ever been claimed or exercised by the Colonial Secretary.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to the
REVEREND WM. GEARY.*

DOWNING STREET, 21st May 1825.

SIR,—Having laid before Earl Bathurst your communication of the 16th Inst., I am directed by his Lordship to acquaint you in reply that the Colonial Agent of the Cape has been instructed to consider your promissory note as cancelled.

With respect to your appointment to a clerical situation abroad, you are of course aware that this could only take place upon a vacancy occurring in any of His Majesty's Colonial Possessions. At present the only clerical situation vacant is the second Chaplaincy on the Gold Coast. The Salary attached to it amounts to £400 per annum, and altho' this might not be considered to suit your expectations, yet if it should be acceptable to you, his Lordship would have no objection to remove you from thence, whenever there should be an opening for employment in any other Colony. I am &c.

(Signed) R. W. HORTON.

[Original.]

*Replies of LIEUTENANT-COLONEL BIRD to the COMMISSIONERS
OF ENQUIRY.*

Lieutenant-Colonel Bird returns herewith replies to the 11 Interrogatories transmitted to him on the 18th instant by the Commissioners of Inquiry. He avails himself of the opportunity to advert to the two notes of the 18th and 21st instant, with which he has been favoured.

In referring to the document in the Colonial Office which notifies Mr. Barnard's appointment to the Secretaryship of this Government, in Lieutenant Colonel Bird's reply to the second query proposed to him on the 21st April, it was his intention to bring that document to the notice of the Commissioners, it having appeared to him extraordinary that Mr.

Barnard should have thought it necessary to take a Commission from the Governor when he possessed a warrant from the King, "constituting and appointing him Secretary and Registrar of this Government;" the Warrant did not call upon the Governor to appoint the Secretary, but signified to the Governor His Majesty's pleasure to the above effect. Mr. Barnard's successor, Mr. Alexander, felt this, and declined taking a second and inferior appointment; but as a precedent had been established which made a difficulty at the moment that difficulty was over-ruled by the notification of Mr. Alexander's appointment having been worded thus: "Notice is hereby given that H. Alexander Esquire *is* appointed Secretary to this Government." It appears to Lieutenant Colonel Bird to have been essential to have called the Commissioners' attention to this circumstance, in order to add that it is a clear consequence that whatever authority or claims the Secretary of this Government holds from his appointment he holds from the King, independent of the Governor, he does not take them from the Governor, who might in such case claim to alter, to control, or to curtail them. Lieutenant Colonel Bird does not therefore think it necessary to modify his reply to the 2nd query of the 21st April; but in explanation of what the Commissioners have thought proper farther to propose in their note of the 21st instant, Lieutenant Colonel Bird begs leave to add, that the Secretaries to this Government have uniformly claimed the patronage of their own office, under the King's Warrant; they have construed that to extend to all the branches of their office, including the Printing Department, which was established in aid of it; but they have never pretended to interfere in any respect with vacancies or appointments in any other Branches of the Civil Service of this Government. It is natural to suppose that when a vacancy occurred, and that the Secretary found that the Governor had no person in view to fill that vacancy, he would suggest the name of the Individual he thought most likely to do justice to the appointment vacant. Such was the course Lieutenant Colonel Bird pursued, and this is precisely the explanation which he gave to the Acting Governor, who put the question to him on his taking upon him the administration of this Government. The foregoing elucidation will, it is hoped,

fully answer the doubt expressed by the Commissioners of Inquiry as to whether the Secretaries claimed the right, under their Warrant of Appointment, of nominating Secretaries to Districts ; they did not claim that patronage.

Adverting in the next place to that part of the Commissioners' note of the 18th instant in which they state their impression of the importance of Lieutenant Colonel Bird's former explanation as it regards the interest of the Colony in the establishment of the Office of Chief Secretary to the Government, Lieutenant Colonel Bird thinks it right to add to the reply he gave to the 15th Query proposed by the Commissioners on the 21 April, by saying, that his opinion which was frequently discussed with his predecessor Mr. Alexander on the subject of the right of Protest, which some supposed to exist in the Secretary to Government, was invariably to the effect he has already stated ; but he was further of opinion that if such right existed, it should be used with a sound discretion only ; that differing in opinion as to particular measures of Government, or having his opinion overruled, would not (supposing the right to exist) warrant the Secretary in entering his Protest against such measures, as such a line might injuriously impede the views of Government ; but it would be his duty to enter his Protest whenever he should see gross deception attempted to be practised on the Secretary of State, such as procured Earl Bathurst's assent to the last augmentation of the Cape Corps, and procured the majority for the then Captain Somerset, the circumstances of which Lieutenant Colonel Bird will here detail in explanation of his view of the nature of Protests. The Cape Corps at its formation in 1819 consisted of two Troops of Cavalry and four companies of Infantry, under one Field Officer ; part of the Infantry had the means of being mounted, when celerity was required, the horses of the Light Dragoons having been detained for that object ; in the opinion of many competent judges, the Infantry was then stronger than the state of the Frontier required, the Cavalry fully adequate to any probable exigency ; the Border never having been more quiet than it had been since the pacification with the Caffers.

Suddenly in December 1822 a rumour was spread in Cape Town of a combination of Caffers against the Colony, this was

eagerly seized upon as the ground for recommending an augmentation of two Troops to the Cavalry of the Cape Corps and of an additional Major, by which the main object would be attained : a most deceptive despatch was therefore prepared, in which this supposed combination was described in glowing colours, and an equally fallacious mode was suggested for meeting the increased expenditure. This despatch was forwarded by the *Heron* Brig of War, while singular to say, at the very moment of making up the despatch a Letter was lying on the Governor's table from the Commandant on the Frontier (Col. Scott) stating that he could not learn that any combination of the Caffer Chiefs was in agitation, that he had never known them in a state of more perfect quiet, that he had consulted Mr. Thomson, our Agent with the Caffer Tribes, who resided on the Chumie, and that his answer (which he transmitted) must set the question quite at rest, as Mr. Thomson assured him that if such a report existed, it was as ridiculous as untrue ; that the only movement among the Caffers which had come to his knowledge was that one of the Caffer Chiefs had applied to him (Mr. Thomson) to get the lock of his gun mended ! With this positive document on the table, was the fallacious despatch sent to Lord Bathurst, who credited what was so solemnly reported, and approved an augmentation which was unnecessary and has been most ruinously expensive to the Colony, for the money which was raised by the sale of Commissions, and which was to have been placed at interest for the payment in part of the increased expence, was absorbed by the exigencies of the Colonial Expenditure. Subsequent to the Dispatch having been so forwarded, Colonel Scott recommended the Augmentation, having been required to do so, and the draft of the Letter which he was to write having been forwarded to him from Cape Town. A very (few) months after which the same Colonel Scott reported that the tranquillity of the Frontier was so great that he could spare a large proportion of the force under his command for the service of Cape Town ! Against measures of this description a Colonial Secretary, having the power, would naturally protest. He would have used the same privilege when Lord Bathurst was informed that Newlands House fell in consequence of the severity of the weather, when

it was notorious that Newlands House fell in consequence of having had a ponderous second story added to it, and a still more ponderous roof, when the Foundation and the walls of the simple retreat, which it antecedently was, were in the opinion of all who had any knowledge of building inadequate to bear any greater weights than that of the Thatched Roof which then covered them ! What ruinous expenditure would the right of Protest, so exercised, have prevented ?

A true and faithful account of what Newlands has cost the Public since its purchase in 1806 would be a curious and useful document to submit to the Secretary of State ; this account would embrace the value of the Lands granted in exchange for it, taken from the Sales of those Lands shortly after effected ; it would embrace the value of the several portions of Land purchased or exchanged to add to Newlands, including what are now the stables, which formed a separate Estate, and the Vineyard recently added to it : it would embrace the alterations and repairs effected under Sir David Baird, General Grey, and Lord Howden, as well as those effected by the present Governor, and it would be seen that Newlands has been a constant and increasing source of expence for the last eighteen years, to an amount which people in general have little idea ! But to return from this digression : it would have been a Secretary's duty to Protest (had the right been vested in him) against all instances of wasteful expenditure, and against those acts of illegal violence, which, having occurred during the period in which the Commissioners have been resident in the Colony, are not necessary here to recapitulate. The advantage therefore of granting the right of Protest to the Secretary to Government will in some degree be apparent from this statement, and it will be for the consideration of the Commissioners whether these advantages are, or are not, outweighed by the discord which would be the inevitable consequence of the Secretary's use of this Privilege.

Liesbeek Cottage, 23rd May 1825.

[Original.]

*Interrogatories proposed by the COMMISSIONERS OF INQUIRY to
LIEUTENANT COLONEL BIRD, and the Replies thereto, on
the 18th and 23rd May 1825.*

1st. By what authority or upon whose recommendation have the Clerks in the Office of the Secretary to the Government of the Cape of Good Hope from time to time been appointed ?

Answer. The Governor generally approved the recommendation of the Secretary to Government for assistants in the Colonial Office. The term Assistants is here used in place of that of Clerks, it being the name by which the gentlemen of the Colonial Office were formerly designated : when they first were styled Clerks is not in my recollection, but I use the first term, "assistant," because it corresponds with that used in His Majesty's Warrant. The Secretaries to Government always claimed, under the King's Warrant, the nomination of the assistants in their Office. This claim was conceded to until the return of Lord C. H. Somerset in December 1821, when His Lordship avowed his intention of carrying on the Government on a *different System* from the one on which he had antecedently acted, and which (by the way) in his letter to me, of which an Extract is given in the replies to the Queries put to me last Month, he had just before stated "*to have been so beneficial to the Public ;*" after this period His Lordship claimed the nomination of these appointments and he has acted on that claim, to the great impediment of Colonial business and injury to the Secretariat. In one of His Lordship's Despatches to the Secretary of State speaking of Mr. Brink, he distinctly says "*whom I appointed Assistant Secretary,*" evidently with a view of establishing his right to that appointment. The new System, which will be farther developed in the subsequent replies, caused the subversion of order in the Secretariat, as well as in all the other branches of the Public Service, and produced in the general administration that Hodge-podge, which being principally composed of the four Ingredients pride, anger, caprice, and resentment, has been the source of all the confusion and mismanagement which

have disgraced this Colony and Government during the last four years.

2nd. From what class of persons in the Community have they been generally selected ?

Answer. I can only answer this query, as far as relates to the System upon which I uniformly acted ; what guided my predecessors of course I do not pretend to explain or account for ; but it is due to my immediate predecessor Mr. Alexander to say that he invariably consulted me on vacancies in the office occurring, and uniformly adopted my suggestions in filling them up, so that the system I am about to explain as mine was acted upon from the year 1808 to the end of the year 1821. The minor situations under Government were anxiously sought for by the heads of the most respectable families for their sons or relatives, up to the time when the operation of the *new system* began to be felt. The various Offices of Government were therefore always filled with respectable and deserving young men ; when a vacancy occurred in the Colonial Office, I made it my business to find out which among these young gentlemen evinced the greatest talent and assiduity, and which of them wrote the best hands, and from the result of this inquiry I recommended for the vacancy. By this mode (which I almost invariably adopted) I filled the Office with capable and diligent young men ; and attending punctually to office hours myself I exacted similar attention from others, by which means I formed them to habits of regularity and diligence, and they became initiated in all the various routine of Colonial duties, so as to be fit in a short time to fill those situations throughout the Colony in which gentlemen of trust and talent were required, to which I made it my pride and duty to recommend them whenever it was in my power ; and here I beg leave to name Mr. Stoll, now one of the Members of Council, Mr. Smuts, who has under his charge the important trust of the Orphan Chamber, Mr. Crozier, who has so long had the principal department in the Government Bank, Mr. Blane, who is now Deputy Secretary at the Isle of France, Mr. Brink, now principal assistant in the Colonial Office, as a few among those who were formed under me to the habits and practice of public business : men whose acknowledged merit will not be disputed or shame the School from which they emanated.

Thus I secured efficient men for every branch of the Public Service. This system caused a pleasing and manifest emulation throughout every part of the civil administration, and it made employment in the Colonial Office so anxiously sought for that young men from other Departments considered it as promotion to be brought into the Colonial Office, altho' the remuneration of that office was upon the most parsimonious scale : not so has it been since the introduction of the *new System*. Some have actually retired from the Office, others have expressed their wish to do so. That Lord Charles Somerset had however approved the old system of using the Colonial Office as a school to train young men to public business will be seen in one of his dispatches to Earl Bathurst where the subject is introduced, it is believed to be in the Despatch No. 62. If to have by this system secured to His Majesty's Government the services of the best hands the Colony afforded ; to have softened the feelings of a meritorious people, wounded by the Rule of Foreigners, which to them we were, and to have established a chain of order which it is notorious did not antecedently exist, be subject of just pride, I own I feel that pride, and I know how deeply the inhabitants lament the change which has taken place, by which they find themselves excluded from any share in that administration which they, from their slender purses, solely and liberally support. It was not without considerable mortification therefore that when I endeavoured in 1823 to lead to this subject, in speaking of the situation of the Senior Assistant, I found myself coarsely taunted (in the Hall of the Government House) by the Senior Commissioner, with wishing to create to myself influence by the mode I alluded to, that of not making the Senior Assistantship a permanent situation, which has many inconveniences, I know that no such unworthy motive guided me tho' I was not unaware that it was of the greatest importance to His Majesty's Service that the Colonial Secretary should possess great influence and be respected by the Inhabitants for his industry, probity, and attention to their interests. In this taunt I could not but perceive the workings of the same influential spirit which in the first instance induced the Commissioners to decide upon not communicating with me but through the Governor.

3rd. Has the principle of seniority of appointment or of personal merit prevailed in the promotion of the clerks in the Secretary's Office ?

Answer. The principle of seniority has been attended to in all the junior branches of Assistants, I do not consider it as a matter of right, the appointment of the first assistant has not been guided by seniority ; Mr. Cloete was for many years the senior of the office, he was twice passed over on account of his insufficiency in the English language.

4th. During the period in which you held the situations of Deputy and Chief Secretary had you reason to be satisfied with the exertion of the persons brought forward as clerks ?

Answer. Generally speaking I had reason to be satisfied with the exertions of the persons employed in the Colonial Office ; this however must be said with many qualifications, for it is natural to suppose that among the number of young persons who were employed therein, in the many years in which the Office was under my control, some must have turned out less deserving than others. The first set of young men, those I found in the office upon taking the duties of it upon me, were with some exceptions a very negligent set, and I gradually changed them ; in the seventeen years in which I had the management of the office I only twice was under the necessity of having recourse to dismissing any of the Assistants, the first was one belonging to the first set, for drunkenness, idleness, and dishonesty ; the other was during the administration of Sir Rufane Donkin, after repeated admonitions for negligence, idleness, and absenting himself altogether, the Assistant Secretary had made many complaints against this individual, which rendered this course absolutely necessary, but upon the return of Lord Charles Somerset and the adoption of the *new system*, this person was taken by the hand, and he was ultimately provided for far more amply than he could have been in the Colonial Office, and such was the anxiety to provide for him that the privileges of the Burgher Senate were broken through to effect it. Thus were industry and subordination in the Colonial Department undermined ; the gentlemen soon found that the road to promotion no longer depended on their industry, but in the neglect of their duties to the Colonial Secretary and in setting him at defiance, such was the result of

this part of the *New System*; but perhaps some of the Governor's old system may have been mixed up with it, for the person alluded to was nearly connected with one of the greatest Horsedealers in the Colony, and himself as Agent for another, had I believe been a customer at Newlands. I had great cause of complaint against another Individual put into the Office by the Governor, whom notwithstanding his idleness and incapacity I was not permitted to remove. These anecdotes are requisite to elucidate the merits of the two systems.

5th. Did you find that they were sufficiently numerous for carrying on the business of the Office ?

Answer. As long as industry and assiduity continued to be patronised, and the emulation before alluded to was kept in a state of excitement, the ordinary assistance in the office was found to be sufficient; after the introduction of the *New System*, it was far otherwise, and for the last two years of my Secretaryship I could not get the duties of the Office performed at all to my satisfaction, much was behind hand, since I have left the office three additional hands have been taken into it.

6th. Has the inadequacy of their remuneration ever been the subject of complaint to yourself; and has it ever been represented to the Governor ?

Answer. The inadequacy of the remuneration of the Assistants in the Government Offices has been frequently subject of remonstrance, and I very frequently brought that subject before the Governor. The smallness of the pay granted to the assistants in the Colonial Office was less matter of complaint on their parts than on those of the other Offices of Government, the assistants in the Colonial Office looked forward to promotion in the Civil Service, and their industry and merit generally obtained it, this compensated them for the smallness of the immediate remuneration.

7th. Were any and which of them sworn to secrecy upon receiving their appointments ?

Answer. It was not originally customary to swear the Assistants to secrecy, I however directed it to be done generally. I do not think that instruction was regularly enforced, and I own I was not inclined to press it, it was well known that each person employed in the office was bound to secrecy; if honour was not a sufficient tie, an oath would not have restrained

those who might think proper to speak of what was going on ; under that impression I was always averse from calling on individuals to swear : official oaths are too slightly attended to, to an instance of which I called your attention in the replies I lately sent you.

8th. Upon what authority either of the Dutch or British Governments have the instruments of transfer of real property and the Registers of Mortgages and Bonds been executed and deposited in the Office of the Chief Secretary ?

Answer. The solution of this question will be found on examination of the Dutch Records, I had a minute on the subject, but it is with the mass of my papers not at present in my possession. The authority however under which the system was established was Dutch, and it was made to assimilate to the practice of Holland, where deeds of this kind are passed before the Aldermen. (Schepenen.)

9th. Is it your opinion that it is more expedient that this important duty should be performed in the Office of the Chief Secretary than made a distinct Branch of administration, or attached to the Judicial Department ?

Answer. It would seem at first sight to be immaterial whether the important duties embraced by the Registry of Transfer, Mortgages, and other "preferent Bonds," be performed in the Office of the Chief Secretary, or made a distinct Branch of the administration, the accuracy of the Registers being the point which constitutes the value to the Public of the System ; but the transaction of this business under the eye of the first civil servant of the Government, with the formalities at present in use, impresses the Parties with a due sense of the importance of the transactions in which they are concerned ; in this view of the question I should hesitate in recommending an alteration ; the present mode of effecting these objects, though formal and accurate, is not inconvenient or troublesome to the parties, it is, as all matters of this kind ought to be, plain and simple, so that each one who has business to transact readily understands what passes, previous to his being required to affix his name to documents which are to involve him in responsibility.

10th. Are you of opinion that it would be expedient to give any increased facility in the transfers of real property in the

Country Districts by allowing the Parties to appear and execute them before the Landdrosts ?

Answer. I should hesitate in answering this query in the affirmative, because unless this duty is carried on immediately under the eye of the Chief Officer of Government, it may easily be conceived that inaccuracy would creep into the Registry Department. The Landdrosts' duties are moreover already very extensive, so much so that, if they attend to them with precision, they can have no time to spare. To add to those duties by placing those Registers under their charge would be to risk the high value they are of at the present moment. The mode in which parties residing in the Country effect at present all these objects, by transmitting Procurations to Cape Town, is one which affords every necessary facility, and it is one also of very trifling expence. It might perhaps be practicable to cause the whole of the Transfer of a district to be transmitted through the Secretary of that District to the District Agent in Cape Town, by which a registry in the Country might also be formed without interfering with the Registers of Cape Town ; this plan would have some advantages, inasmuch as the knowledge of all these transactions would be thereby secured in the District, as well as in the principal Office, but I doubt much whether withdrawing any part of the Registry from the principal Office would not be attended with serious disadvantages to the Public generally.

11th. Are you aware of any inconvenience that has arisen from the practice hitherto observed of executing the Transfers in Cape Town ?

Answer. The facility with which the old Colonists are in the habit of transacting all these matters induces me to say that I am not aware of any inconvenience arising from the present practice ; to newcomers it may at first seem troublesome, but a little inquiry soon enables them to fall into the Colonial arrangements.

(Signed) C. BIRD.

[Original.]

Letter from the SECRETARY TO GOVERNMENT to R. WILMOT HORTON, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 24 May 1825.

SIR,—I am directed by His Excellency the Governor to transmit to you under a flying seal, a letter He has authorised me to write to The Agent of this Colony for the supply of a Clock for each of the Churches in the Capitals of the Country Districts in the Interior and two Bells for the Church in Albany, and I have to request that you would be good enough to submit the same to Earl Bathurst and should His Lordship be pleased to sanction this measure that the letter may be forwarded on to Mr. Courtenay.

His Excellency requests in the latter case that Earl Bathurst will decide whether this Expence should be borne by the Districts or whether it should fall on the Colonial Government.

I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.

[Copy.]

Letter from the Landdrost of Stellenbosch to the Commissioners of Enquiry.

LANDDROST'S OFFICE, STELLENBOSCH, May 24th 1825.

GENTLEMEN,—I have the honor to acknowledge the receipt of your circular of the 5th ultimo, by which you request me “to prepare and to transmit to you a detailed statement of the taxes levied at the opgaaf of the current year, the rate of assessment under the ordinary heads of taxation, and of extraordinary assessment under each head ; specifying the authority under which the latter has been levied ;” and further requesting “that this statement may be accompanied with an explanation of the mode in which the assessments are proportioned to the property and establishment of each inhabitant of this

district, in case such a mode of assessment shall have obtained in it."

In answer to which, I beg leave to state that the taxes at the opgaaf of the current year are levied agreeable to the 15th article of the proclamation of the 1st April 1814, according to which proclamation the extraordinary taxes are also regulated, with the exception, however, of an assessment on the produce of hay, which, according to a representation made to that effect by the board, was sanctioned by government letter dated 14th August 1818.

The rate of ordinary assessment for the current year, under the authorities herebefore cited, is levied and proportioned to the property and establishment of each individual, as follows:—

Head Money :

All heads of families, men and women : all men above sixteen,
and all women above twenty years of age, per head. Rds. 2½

Cattle :

	Stiv.
Each head of black cattle	2
„ saddle or waggon horse.	4
„ breeding horse	2
„ 25 sheep, goats or pigs	6

Produce :

Each muid of wheat	2
„ „ rye	2
„ „ barley	2
„ „ oats	2
For every 100 lbs. of hay	1
Each leaguer of wine	16
„ „ brandy	36

And finally, from those having any other income, either from office, professions, trade, commerce, slave hire, or other sources of a life interest, (according to a classification signed by the parties themselves,) three fourths per cent upon their income, pursuant to a public notification of the burgher senate, dated 6th July 1814, under the sanction of government.

With regard to the extraordinary assessments, or taxes levied under the authority of the aforesaid proclamation of

the 1st of April 1814, I beg to observe that they consist in the following ; viz.

(a) Commando Tax.

(b) Contributions for waggon, horses, &c. required for the public service of government ; and,

(c) Contribution for premiums paid by the district treasury for the destroying of vermin or other noxious animals, which last-mentioned assessment, however, came only in force since the publication of the government proclamation of the 29th July 1814, in the last clause of which this assessment has been legalized.

With respect to the manner in which the extraordinary assessments are proportioned to the property and establishment of each inhabitant, I further beg leave to say, that the most scrupulous attention to the sixteenth article of the aforesaid proclamation of the 1st of April 1814, has always been paid by the board of landdrost and heemraden, it having been customary from the date of the aforesaid proclamation, that in the ordinary monthly meeting of August of each year, a calculation is made of the amount wanted to defray the extraordinary expenditure as sanctioned by the regulations herebefore cited ; according to which, every individual is, in proportion to what he has paid in the ordinary assessment, taxed ; and thus the amount of the whole sum required is found. If now, for instance, the ordinary assessment amounts to one third or one fourth less than the sum wanted for the extraordinary taxes, then of course the assessment of every individual's ordinary tax is augmented with one third or one fourth, and so in proportion.

The assessment in 1824 has, however, been augmented with a sum of Rds. 1,000, to defray the expenses of the purchase of the buildings for the new public offices and slave school, and which sum is to be levied annually until this expense shall be paid off, due authority for the same having been granted to the board by government letter, bearing date 11th September 1823.

In conclusion, I beg to observe, that except the above-mentioned taxes, no others are levied, except a tax for the church of Swartland, as authorized in the 18th and 19th

articles of the aforesaid proclamation of the 1st of April 1814; which church tax, however, is only paid by the proprietors of places and erven, situated within the parochial jurisdiction of the said church.

Hoping herewith to have complied with your wishes, I have the honour to remain, &c.

(Signed) D. VAN RYNEVELD, Landdrost.

[Original.]

Letter from MR. D. P. FRANCIS to EARL BATHURST.

5 JEFFREYS STREET, KENTISH TOWN,
LONDON, *May 24th 1825.*

MY LORD,—Imperious necessity compels me to adopt a form of addressing your Lordship as opposite to my wishes as it is humiliating to my feelings, but placed in the situation which I am arising out of such circumstances as set forth in my Memorial to your Lordship Dated the 16th of last Month, will I humbly trust plead my apology for appealing to your Lordship on this occasion by drawing your Lordship's attention to the subject and prayer of that Memorial, much of which can be supported by Sir Rufane Donkin and Henry Ellis Esq. who are now I understand in Town.

In submitting the Memorial alluded to, to your Lordship, I refrained from introducing anything but a mere statement of Occurrences and forbore troubling your Lordship with many very serious grievances I could with great justice have complained of in the Colonial Government of the Cape.

I described without hesitation to your Lordship the situation the effects of the Circumstances contained in my Memorial had placed me, namely being left totally without the means of supporting myself and wife.

And that Situation has now my Lord become of so serious a nature as to call for immediate relief, and if your Lordship should deem my claims upon Government inadmissible (which I cannot anticipate) the only alternative open to me is an appeal to those Laws for an emancipation of debts which I

shall be able to shew I have not the power to discharge from loss of Property occasioned by circumstances over which I had not the power to avert.

It is not without mature deliberation and great reluctance My Lord that I have ventured to lay before your Lordship my real Situation, which is that of being totally destitute, resulting from those Circumstances mentioned in my Memorial.

I therefore solicit your Lordship will be pleased to make Inquiries of Sir Rufane Donkin and Henry Ellis Esqre. who are acquainted with so much of the matter stated in that Memorial as I trust will convince your Lordship of the justice of my Claim, even if the Commissioners of Inquiry's report shall not have been received, under this impression I beseech your Lordship will be pleased to afford me that relief which I stand so much in need of, and which nothing but the most urgent necessity would have induced me to solicit by an appeal to your Lordship at this time and in such a form as the present. I have &c.

(Signed) D. P. FRANCIS.

[Copy.]

Letter from MR. J. A. TULLEKEN to JOHN GREGORY, ESQRE.

WORCESTER, 24th May 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 20th Inst. requesting me to lose no time in repairing to Cape Town and attending at your Office in order to be examined upon the subject of the Boundaries of Mr. Parker's Land, and am sorry to state in reply thereto that illness prevents me from attending to your request immediately.

I have &c.

(Signed) J. A. TULLEKEN.

[Original.]

*Report of the COMMISSIONERS OF INQUIRY to EARL BATHURST
upon the Address of the Principal Settlers in the Albany
District.*

CAPE TOWN, CAPE OF GOOD HOPE, 25th May 1825.

MY LORD,—Previous to our departure for the Country Districts, we had the honor to receive Your Lordship's Despatch of the 25th June 1823, transmitting an Address that had been forwarded to Your Lordship on the part of the English Settlers in the District of Albany ; and in our Letter to Your Lordship of the 2nd June 1824, we explained the circumstances that occasioned us to postpone the execution of Your Lordship's Instructions to us to report upon the allegations contained in it.

Having subsequently furnished the Governor with the information necessary to enable him to meet the several points referred to in the Address, and which might appear to him to require explanation, we received from His Lordship a Statement of the several observations which occurred to him to make upon a perusal of the information collected by us, as well as of the Address of the Settlers.

The measures that were at that time in progress for the adjustment of the claims of the several Parties were expected to lead to the removal of some of the principal grounds of complaint that had been urged ; and the changes that have been the result of the late visit of His Excellency the Governor to the new Settlement which was undertaken with the object of giving effect to the recommendations of the officer who was deputed to investigate the Claims of the Settlers, has been followed by that improvement in the prospects of the Settlement which was to have been expected from the attention of the general and local authorities to its interests.

In the review that we have therefore taken of the complaints that were embodied in the Address of the Settlers, we have traced the progress of the Settlement from the arrival of the Emigrants to the latest period to which our information has extended, and with reference to the allusions in the Address to the policy pursued by the Colonial Government in relation to the Caffre Tribes, we have entered into some general ex-

planations, with a view to meet Your Lordship's Instructions that we should afford the most ample information respecting the policy which had dictated its measures.

We have now the honor to submit to Your Lordship, the result of the inquiries that were pursued by us during our residence in the Albany District, and of the information we have subsequently received or collected upon the several points contained in the Address, and upon which our opinion has been required.

On the receipt of advices from Your Lordship in the Month of November 1819, that a large Body of British Settlers were about to be sent to this Colony in pursuance of the Address voted by the House of Commons, His Excellency the Governor Lord Charles Somerset caused instructions to be addressed to the Landdrost or Magistrate of Uitenhage, the District in which the Lands of Albany were situated, to direct a Survey to be made of certain Tracts deemed eligible for the emigrant Settlers. These Lands, which had formerly been designated the Zuureveld, and were bounded by the Great Fish River on the North, and the Bushman's River in the District of Uitenhage on the South and West, comprehended that Tract of Country which had received the name of Albany. A belief in the great fertility of these Lands would appear to have extensively prevailed, and in a Despatch addressed by Lord Charles Somerset to Your Lordship representing the advantages and discouragements that might attend the Establishment of European Emigrants in that Country, it is described as the most fertile of the Divisions that were likely to command an outlet for their produce from the Eastern Coast of the Colony.

By the Dutch Colonists, the Lands of the Zuureveld were considered to contain good pasturage for Cattle; but the absence of periodical Rains which fertilize the Provinces on the Western side of the Colony, and the difficulty of irrigating the Land by leading out the Streams and Rivers, (running in deep Ravines or Kloofs) induced the belief that they were less adapted for cultivation. The general appearance of the Country and the fine natural Herbage with which it is cloathed during a great part of the year, contributed greatly to confirm the prevailing opinion of its fertility, as well as of its capacity for rearing and maintaining Cattle.

Lord Charles Somerset proceeded to England in January 1820, and was succeeded in the charge of the Government by Major General Sir Rufane Donkin. The Transports with the first Settlers arrived at the Cape in March 1820 ; and as the Season was advancing, no delay occurred in forwarding them to their destination. At Algoa Bay an arrangement had been made for their conveyance to the places of location by Waggon, the charge for which was afterwards remitted to the Settlers, and they were supplied with Provisions and such Stores as they immediately required. Instructions were also given for locating the Parties upon the Lands that had been surveyed by direction of Lord Charles Somerset. Altho' these Instructions were addressed to the Landdrost of the District of Uitenhage, the execution of them more immediately devolved upon the Deputy Landdrost who resided at Graham's Town, and who met and conducted the Parties to the Lands respectively allotted to them.

Major General Sir Rufane Donkin repaired to the Frontier about this time, and with a disposition to promote the interests of the Settlers and the intentions of His Majesty's Government, would appear to have entered into the sanguine views which the emigrant Settlers themselves entertained, and which served to animate their exertions.

The Settlers immediately applied themselves to the erection of their Habitations and to the tillage of their Lands, continuing to subsist upon full Rations that were ordered to be supplied to them by the Commissariat ; having in the first instance received a Supply for two Months, which they carried with them to their Locations.

Although the whole of the Settlers were divided into parties under certain recognized Heads, it may be necessary to observe to Your Lordship that the parties accepting the Conditions upon which His Majesty's Government had undertaken to promote Emigration to the Cape, were composed of two descriptions of Settlers ; those that were hired as Servants to the Head of the Party, who advanced for them the Sums required to be deposited in consideration of their services at certain rates for limited periods, and those who advanced their own deposits, and associated under a nominal Head or Agent who in some instances was paid by the Party for the trouble

devolving upon him. In parties of the first description, the Land was assigned to the Master, and the labour of the Servants was generally applied under the engagements to which they had severally subscribed. In Parties of the second description a subdivision of the Land was made by agreement among themselves.

The Boundaries of the Locations that were generally defined by the survey that had been made, were directed to be pointed out by the Local Magistrate assisted by the Surveyor ; tho' they were not finally determined until a subsequent period, when a Survey was made of the several Allotments, according to which the Grants were afterwards drawn out.

In the Parties composed of hired Servants, disputes had early arisen. Tempted by the high Wages of labour to be obtained, impatient of the restraint, and dissatisfied with the terms of their contracts and in some instances with the treatment they received from their Masters, the Servants endeavoured to recede from their engagements ; and mutual complaints were urged to the Magistrate, and by him to the Government.

A Proclamation had been published in the Year 1797, which enjoined that persons who required to remove beyond the District in which they were domiciliated, should be furnished with Passports from the Office of the Secretary to Government. The object of it had been to provide in a time of War for the apprehension of Military Deserters and of Foreigners whose allegiance might be doubtful. In consequence of the insubordination of the articted Servants, a Proclamation was issued by Sir Rufane Donkin in May 1820, in which it was declared that Colonial Passports would not in future be granted to Settlers of this description except with the consent of their Employers and on a mutual agreement to dissolve their Engagements ; and the District Authorities were directed to arrest all Settlers who were found wandering about without Passes, and who were made liable to the penalties under the Proclamation of 1797.

It has been observed by Lord Charles Somerset that the Magistrates might have been referred for their guidance to a Law that had been passed by His Lordship in the year 1818, and which defines the relation between Master and Servant ;

and as this Law originated in disputes of a similar kind that had arisen in Parties emigrating from Europe ; and as it prescribed the Penalties by which their reciprocal engagements were to be upheld, we conceive that its enforcement would have induced a similar observance of the relative duties of Masters and Servants in the Parties that were so constituted.

From the disposition early evinced by many of the Settlers in Albany to seek employment in other parts of the Colony, a restriction was also imposed upon those who were free from Engagements of Service, and who were to be retained on their location by the obligation of obtaining Passports from the Colonial Office. This restriction was enforced at a later period by the enactment of a Law requiring that all British Settlers belonging to the District of Albany absent without Passes should be sent back to their Locations, and in pursuance of this enactment, some Mechanics who were not under engagements in Albany were compelled to relinquish profitable employments they had entered into beyond the District, and were ordered back to their Location which they had quitted upon an alleged inability to support their Families by remaining on it.

The Deputy Landdrost continued to reside at Graham's Town, a Station that had been judiciously chosen by the late Colonel Graham for the Head Quarters of the Troops employed in the defence of the Frontier against the Caffres. As the Seat of the Local Magistracy it was not ineligible ; but it was less conveniently situated for the emigrant Settlers than the other Inhabitants of the District who were more generally provided with the means of conveyance.

To remove the inconvenience felt by the Settlers, and to provide for the numerous cases of dispute and complaint that had arisen amongst them, the Acting Governor appointed a Provisional Magistrate with instructions to make a circuit of the Locations, and ultimately to establish himself in the Township of Bathurst, a situation that would appear to have been chosen by the Acting Governor in the midst of the Locations, and about eight miles from the Mouth of the Kowie River, where a Port was expected to be opened, and which was afterwards successfully explored.

The Acting Governor having effected these arrangements,

left the Albany District, and soon after his departure, some changes were directed by him to be made in the Locations, which occasioned the removal of some of the Parties from the Lands first assigned to them, and after they had made some progress in the labours of Settlement. An Instruction was addressed to the Landdrost by the Acting Governor in the month of June to remove certain parties from the Lands on which they had been first established, to make room for Major General Campbell who was expected to arrive with a Party of four hundred Highland Families. The largest of these Parties, and which was considered to be one of the most united and industrious, consisted of Ninety Six Heads of Families; and altho' General Campbell eventually brought with him only ten Servants, which entitled him to 1000 Acres, this location estimated at 10,000 acres was nevertheless assigned to him and since his death also continued partly to be occupied by his Widow, and a part was included in a Grant to Mr. Nourse.

The removal of these parties was followed by the disturbance of others. The Boundaries of Locations originally ill defined became subject to dispute. The arrangements made by one Magistrate were superseded or neglected by his Successor; and as the Surveyor proceeded without specific Instructions to delineate the Boundaries, the Grants that were made out upon his Survey were the occasion of further disputes; the labours of some Settlers having proved after much suspense to have been bestowed upon Lands granted to others.

After the supply of subsistence for two months had been exhausted, the issue of full Rations by the Commissariat was continued to all the Parties on account of the Sums held in deposit. Some of the Heads of Parties applied for the Repayment of these Sums, alleging that they could subsist their people more economically; the application was at the time rejected by the Acting Governor, but in July notice was given to the Commissariat that Lists would be furnished, to enable individuals to receive the second instalment, the first having been paid. An intimation was however given in August by the Commissariat Officer in Graham's Town that the Second and Third Instalments had been nearly exhausted by the issue of Rations, Seed Corn, and Stores; and on the recommendation of the Local Magistrate, directions were given by

the Acting Governor that the Rations should be continued until after the ensuing Harvest. The Grounds upon which the Acting Governor had sanctioned the further issue were explained in a Circular to the Heads of Parties, advising them that the Account would be closed with the year 1820, and that all future issues would be made upon payment. Notwithstanding the instructions to this effect it would not appear that any Rations were paid for, even by those who were receiving Wages; or that the issues were withheld from the idle. It was however subsequently stated as the opinion of the Acting Governor that "the aid of Rations had encouraged idleness, and caused inattention to procuring food." This opinion was declared in a letter from the Colonial Secretary written in November 1821, eighteen Months after the first issue, and upon the occasion of ordering a gratuitous distribution of Rice; and it accompanied a peremptory instruction that aid should not be afforded to such as were not usefully employed.

The Ration Account which was ordered to be finally closed on the 31st Dec. 1821, exhibited a debt against the Settlers, amounting to 264,447 Rixdollars, or at the average rates of Exchange to £19,833½ Sterling. Although the failure of two successive Wheat Crops may have justified the continued assistance of Government to those who were incapable of earning a subsistence by their labour, it is sufficiently apparent that the Rations were too indiscriminately bestowed and in many instances improvidently applied. The Control of Masters over their Servants was weakened and the industry of the Servants relaxed. Cases occurred in which Labourers were hired and subsisted upon the Rations, and others in which discharged Servants were rationed on account of the Master who had lost their Services. In most cases the security of Persons was taken for the repayment of the Rations, whose resources were already exhausted, or whose means had never enabled them to contemplate a discharge of the debt. In the Parties that were free from Engagements of Service, the distribution of full Rations operated as a premium to idleness, by which the price of Labour was enhanced in the District. The employment that was open to the Mechanics and Labourers might have diverted them from their Agricultural pursuits,

but they would have ceased to be dependant on the public support. Indeed some who abandoned their Locations have returned with augmented resources, while most of those who remained to be subsisted have been eventually impoverished.

The gratuitous issue of Rice to the Settlers in aid of subsistence after the failure of 1821, may justly be appealed to in support of the conclusion that considerable part of the former charge might have been saved with advantage even to the Settlers themselves; as many possessed Cattle, and as they were enabled to raise vegetables, especially Potatoes, and might with great advantage have resorted at an earlier period to the cultivation of Indian Corn.

If the Second and Third Instalments of Deposit had been repaid at the stipulated periods and gratuitous supplies only afforded in cases of urgent distress much waste and profusion would have been prevented; Stock might have been purchased and preserved and a spirit of industrious independance inculcated. It must be admitted however that a considerable part of the debt has been contracted for Stores and implements of Husbandry supplied to the Parties when they first arrived; and that the emergency being unforeseen may have led to the precipitation of measures which were prompted by the humane anxiety of the Colonial Government to administer effectual relief.

The policy of controlling the Mechanics and Labourers in their inclination to seek employment where high Wages could be obtained might well be doubted, when the subsistence of them at the Public expence became the only alternative, and by persisting in it thro' consecutive years of failure.

The Settlers who adhered to their Locations have acquired a claim to some relief under a debt contracted in support of the original views of the Government, while the recovery of it from the majority who have resigned their Lands and are dispersed throughout the Colony would be not only precarious but impracticable.

The measures of the Acting Governor in providing for the Local Administration led to the Appointment in September 1820 of a Special Magistracy at Bathurst and of a Court for the trial of Petty offences at Graham's Town. In the following Month it was proclaimed that a permanent Seat of Magistracy

was to be erected in Albany, and that the Chief Place and Seat of Magistracy should be at the new Town of Bathurst. This change had been preceded by the enlargement of the Functions of certain Heemraden or Members of the District Courts, who received Warrants to act as Local Magistrates in the cognizance of minor Offences and Disputes on the Locations. The Courts of Landdrost and Heemraden had also been directed to be held once in every two Months, the Sessions having before been Quarterly.

The Establishment of Bathurst on whatever grounds objectionable as a Seat of Magistracy for the new District, had certainly given encouragement to the Settlers. It afforded a Market for their produce; and the erection of Public and Private Buildings gave employment to many Mechanics and Labourers at a convenient distance from their Locations. The Grant to the Settlers of Erven or Building Allotments, and the purchase by competition of others, led to the erection of several Houses and Cottages which amounted to Thirty of various descriptions, when the Seat of Magistracy was permanently established at Graham's Town. There can be no doubt that the prospect of Bathurst becoming the residence of the Chief Magistrate, which had been publicly proclaimed, had encouraged many of the Emigrants to settle there, and that the possession of some material advantages gave facility to its progress, as the vicinity to the outlet of the Kowie River made it convenient for Trade. These advantages have been in a principal degree compensated to the Settlers at large by the recent Establishment of a Village at the Mouth of the Kowie River; and if the removal of the Public Establishment from Bathurst had been less abrupt, if the subordinate Magistracy appointed to reside there had been confirmed, and the functions preserved that had been specially vested in certain Members of the District Court, and lastly if some compensation had been made for the loss of time and Capital that the Change occasioned to Individuals, as was done in the case of some Official Servants by the grant of Building Allotments in Graham's Town, and lately in less favoured situations to some of the Mechanics, we are disposed to think that the Settlers generally would not have been dissatisfied with the subsequent arrangement made by Lord Charles Somerset, which reunited

the Civil and Military Establishments in a situation chosen for the defence of the position, and central for the Civil Administration of the District at large.

It may be observed however that the necessity for immediately erecting the Sub-Magistracy of Albany in a separate Provincial jurisdiction had become less apparent after the provisions that had expressly been made with a view to meet the pressure of business occasioned by the influx of new Settlers; and although the measure may have been eventually recommended by considerations of general and Colonial Policy, there was no immediate benefit resulting from them which would compensate for the great additional expense that it imposed; while the relinquishment of Bathurst was felt as a positive check to the prospects of the new Settlements.

When Lord Charles Somerset left the Colony in 1819, the Landdrost of Uitenhage had been directed to prepare for the reception of the Settlers, and after their arrival the active duty of locating them chiefly devolved on the Deputy Landdrost of Graham's Town. The Magisterial duties were further provided for by the Establishment formed at Bathurst in May 1820. The appointment therefore of a Chief Magistrate in October following, who was also charged with the functions of Commandant upon the Frontier, was not calculated to provide for the increase of business that the new Settlement occasioned.

The alternate Sessions of the Provincial Court at Graham's Town and Bathurst contemplated by the Acting Governor, was an inconvenient arrangement, and even had the local Magistracy been ultimately established at Bathurst, as would appear to have been the intention of the Acting Governor, the union of the Civil and Military Authorities would have been utterly incompatible with the separation of their respective Stations.

When Lord Charles Somerset returned to the Colony, the Public Buildings at Bathurst were in a state of some forwardness; and those that appertained to the Sub-Magistracy at Graham's Town were still entire; and admitting the correctness of the view that His Lordship had taken of the expediency of reuniting the Civil and Military Stations, we are disposed to think, that until objects of more immediate moment to the

welfare of the Settlers had been provided for, a competent Establishment might have been formed at each Station without any material augmentation of expense, and with greater convenience to the different orders of Inhabitants, than by suspending the Petty Functionaries, and concentrating the whole Establishment at Graham's Town, which has been eventually productive of so great an addition of expense in the Public Buildings that were commenced after this measure had been adopted.

According to an account that has been rendered to us, the aggregate Amount that had been expended on Public Buildings at Bathurst at the period of the change, was 24,173 Rixdollars ; and the disbursements upon the Establishment subsequently formed at Graham's Town amounted to 114,898 Rixdollars, and a further Sum of 19,500 Rixdollars was estimated to be required for the completion of the Magistrate's House, and 53,770 Rixdollars for the erection of a Church. The expense attending the erection of the various Buildings connected with a Seat of Magistracy having been the reason assigned for removing the Establishment from Bathurst, we are justified in concluding that the Public economy, no less than the convenience of Individuals would have been consulted by a progressive, rather than an abrupt removal.

It may be admitted however that the extensive Public Works that have been undertaken at Graham's Town have provided employment for many emigrant Settlers ; and altho' the dissipation that prevails amongst the labouring Classes at Graham's Town (which is a principal Military Station) may have been injurious to some, the high Wages they continue to receive have afforded very ample provision for many families that were reduced to much distress on their Locations.

In the second visit of the Acting Governor to the new Settlements in May 1821, experience had proved the inadequacy of the Lands assigned to the Settlers. His opinion was stated to the Surveyor that most of the Locations would require to be enlarged, and numerous applications for additional Land were met by the promises of the Acting Governor that the locations of those who were industrious should be extended.

In a list of Memorials that were referred to the Local Magistrate it was stated by him as an Established principle that 100

Acres per Man were insufficient ; and that the locations of industrious and united Parties ought to be extended. It has also been explained to us by the late Colonial Secretary that it was in the contemplation of Sir Rufane Donkin to have attached considerable tracts of Grazing Land to all the principal Locations, and to some of the smaller ones. It was doubtless the intention of the Acting Governor to have realized the expectations that were thus held out ; but from the period of his return to Cape Town in July 1821, till the arrival of Lord Charles Somerset in December following, no general measure appears to have been carried into effect, although in the Establishment of Fredericksburg which was projected at the same time, the assignment of Lands to those Settlers was far more considerable than to the Emigrants in Albany. Sixteen Officers of the African Corps stipulated to receive 2000 Morgen or 4000 Acres ; together with 2000 Acres for the Site of a Village ; and as Sixty Servants were engaged to accompany them, and to receive at the end of three years allotments of 150 or 200 Acres of Land, the eventual distribution would have been in the proportion nearly of 1000 Acres to each Settler, or tenfold the extent of the Allotments to those in Albany.

The project of settling the Zuurveld by aggregating Settlers for the purposes of defence and cultivation had been entertained by successive Governors since the year 1809, when experience first had shewn the disastrous consequences of exposing a thinly scattered Population to the predatory inroads of the Border Tribes.

Colonel Collins, who was commissioned by Lord Caledon to report upon the subject of our relations with the Tribes beyond the Frontier, and the policy to be observed with regard to them, stated his opinion, that "the system of granting Farms of such considerable extent, necessary perhaps in some part of the Settlement was exceedingly impolitic in a District where a line of nearly 100 Miles did not present a resistance of more than one third of that number of Inhabitants."

Colonel Collins proposed to establish 6000 Settlers along the Fish River upon allotments of 120 Acres, intending that each Settler should derive a Subsistence by Labour ; and he conceived that such a measure would be practicable, as the Rains

were more copious in the Lands bordering upon the Sea. than in the inland Country, where indeed they but rarely recurred.

We are not aware that any measure was adopted upon these suggestions ; but the destruction of the Farms and dispersion of the Inhabitants in the Caffre Invasion of 1812, led to the adoption of a Plan of Settlement, by which the Military Cantonment established for the defence of the Frontier was to become the nucleus of the new Settlement, and that Lands should be occupied in Situations that would be favorable to the mutual support and the defence of the Country.

The anxiety of Governor Sir John Cradock to hasten the reoccupation of the Lands in Albany led to the offer in 1814 of Grants upon these conditions ; with a remission of Rent for ten years to the first fifty Applicants. Further encouragements were held out to Settlers in Albany by Lord Charles Somerset in the year 1817, who were invited to occupy Lands which would be regulated in extent of the number of Persons capable of contributing to defence in the family of each Applicant.

Upon these conditions, and under a clause prescribing the forfeiture of the Land to Government if it should be abandoned and the Party cease to reside, Lands were offered with a remission of Rent for ten years to all persons wishing to hold them ; and who after a conditional occupation of three years should receive a title without fee, and the measurement of the Lands to be effected for them at the expense of Government, which in other Districts had been defrayed by the Party receiving the Grant.

From the explanation afforded to Your Lordship by Lord Charles Somerset in 1817 upon the subject of these measures, it appeared to be in His Lordship's contemplation to relieve the expense of the Military Establishment upon the Frontier by the introduction of a Body of emigrant Settlers in Albany ; and the effect of vigilance on the part of Families that had associated for mutual protection against the Caffre Marauders induced His Lordship to believe that by an extension of the same principle, a permanent Settlement of the Country might at last be effected.

With this view it was suggested by Lord Charles Somerset that Individuals bringing out parties containing 25 or 50 Male Labourers and Artificers should receive Grants of 2000 Morgen

or 4000 Acres in Albany, which should contain a portion of Garden, Arable and Grazing Ground ; and it was judiciously urged by His Lordship that the clause in the Regulation of 1817, prescribing the forfeiture of the Lands in the event of abandonment should be strictly adhered to. The tenure upon which the Colonists had been invited to occupy Lands in Albany was thus held out to Emigrant Settlers with this difference, that it was proposed to establish from 25 to 50 effective Settlers with their families upon the space usually allotted to one Colonist, but it was the opinion of His Lordship that the Soil was most fertile and adapted for the production of various Articles available both for subsistence and export ; and that the industrious Settler would meet with the reward of his exertions in the cultivation of the Land, and in the enjoyment of a most salubrious climate. That the Settlers who emigrated in 1819 failed to realize these flattering prospects may primarily be attributed to causes which could neither be anticipated nor controlled ; in the recurrence of a Blight denominated “ Rust ” which destroyed their Wheat Crops in three successive Seasons and partially in a fourth ; and to excessive floods that happened in October 1823, and which swept away much of the produce of the best arable Lands situated in the Slopes of the Ravines. But independently of these causes, it is also manifest from the experience of the Settlers, that reliance cannot ordinarily be placed upon the Returns of Agricultural Labour in that District, for although in Seasons of drought, copious Dews and Summer Showers may preserve the verdure of the natural grasses in Lands bordering on the Sea Coast, the uncertain recurrence of the periodical Rains that occur in the Western Provinces, render the prospects of the Agricultural Settler in Albany much more precarious.

Some sanguine opinions continue to be held by a few of the most industrious Settlers, and who are entitled to the utmost encouragement for their persevering exertions ; and although the Indian Corn has been found to resist in some degree the effects of drought and Rust, and altho' various Articles have been raised and produced that afford a present subsistence, and may eventually yield a marketable export, the opinion is sufficiently confirmed that the possession of 100 Acres of new

Land, or the distribution of it in that proportion to Settlers, could in very few parts of Albany enable them to thrive or even to subsist from their labour. Admitting that a competent proportion of Arable and garden Ground adequately watered could be found upon 4,000 Acres for the Settlement of forty or even of twenty or of ten families, it was manifest from the general experience of the Colony in the Assessment of Quit Rent on Lands of equal extent that this would vary in almost every instance ; and that the labour of tillage and the Returns to be expected from it would bear no comparison in different situations. If the Land deemed fit for Cultivation on each location had been ascertained and assigned in due proportions to the Parties, much dissatisfaction would doubtless have been saved, and an extensive range of pasturage for Cattle would in all instances necessarily have been added for the support of Stock, and to provide for its profitable increase. This was equally required as a present provision for the Settler, and as subservient to the cultivation of his Land ; and in the moderate proportion of eight to ten acres for each Ox or Cow,—and according to the Landdrost's reports it is estimated, tho' erroneously, at 30, 60, and even 80 acres for each head of Cattle,—it must be apparent that the observance of the prescribed limits would in most instances have cramped and defeated their exertions.

It is not asserted that inconvenience had in general been sustained by the parties from an inability to maintain their Stock upon the Lands at their disposal, as they possessed no considerable Herds, and as there were extensive tracts of Land reserved between most of the Locations, which the Settlers were allowed to occupy with their Cattle ; and which Sir Rufane Donkin directed should not be alienated ; but the occupation of these tracts was by no means regulated or proportioned according to the numbers or resources of the Parties ; the reservation intended was not strictly observed, and the gratuitous Grants of considerable Estates to Individuals in the immediate vicinity of some of them, rendered the suspense in which the Parties were held in regard to the extent and tenure of their Locations, a source of great discouragement.

According to a Return of Land occupied in Albany under the Regulations prescribed for the more effectual settlement of

that Country, it appears that in the year 1820, when the Acting Governor was on the Frontier, thirty Estates were ordered by him to be inspected for the Applicants, and nine to be resumed; the grounds of these divisions are not explained, nor that they depended upon any observance or neglect of the conditions that had been prescribed for the occupation of these lands in 1814 and 1817; but it became the duty of the local Magistrate to whom the claims were referred to report whether the Parties were entitled to the Lands by a fulfilment of the Regulations under which they had been occupied.

Since the Regulations of 1813 for the granting of Lands in this Colony, it has been customary that the Memorials received from Individuals should in the first instance be referred to the Landdrost or District Magistrate, when a Commission, consisting of the Landdrost and one of the Heemraden or Members of the District Court, attended by a Surveyor, is appointed to proceed and inspect the Land prayed for and to prepare a Report according to a form that was prescribed in 1814, detailing the situation, extent and nature of the Land, the annual Quit Rent it can bear, the means of the Applicant, and whether the Grant might be made consistently with the interests of Government and of Individuals. This Report, with the Diagram exhibiting the measurement of the Surveyor, are afterwards submitted to the Inspector of Lands and Woods, and if further explanations should not be called for, the Quit Rents are rated and the Grants prepared. Until these forms had been completed, and the Land regularly ceded, its occupation was declared to be illegal, and the Local Magistrates were held responsible that it should not be allowed.

By the Regulations of 1814 and 1817, the Lands in Albany were made an exception to these Rules, and the occupation of them was recognized and sanctioned upon a simple application to the Landdrost. The cession of the Land being promised to the Applicant after three years residence, and upon the liberal terms that have been already mentioned, viz., of a remission of Rent for 10 Years, and of the charges for inspection and measurement.

The Landdrost of Uitenhage was the Civil Magistrate on whom this discretion exclusively devolved, till the separation

of Albany from that District in October 1820, and the division of the Lands submitted to these Regulations between the two Districts ; it was consequently by permission of that Officer that all the Lands in question had been occupied.

In the year 1814, 34,904 Morgen, or 69,808 Acres, were granted on the assumed fulfilment of the Conditions to seventeen Individuals, and in 1820, 24,987 Morgen, or 49,974 Acres, were granted to fourteen Individuals. The general extent of these Grants (which were made after the arrival of the Emigrant Settlers) was from 4,000 to 6,000 Acres, and the principles of the Regulations of 1814 and 1817, except in the remission of Rents and Charges, were in no degree maintained. These Lands together with other extensive tracts that were ungranted, continued to be occupied in the ordinary manner in which grazing farms have been held in this Colony, and which it was the object of those enactments to modify and restrict.

It is in this place that we have judged it proper to notice to Your Lordship, that the separation of the District of Albany from that of Uitenhage took place immediately after the receipt of Your Lordship's Despatch signifying His Majesty's pleasure that all further Grants in the District of Uitenhage, or in any other Settlement either to the Northward of that District or on the Frontier of Caffreland, should contain a special condition that the Lands so granted should be cultivated by Free Labourers alone, and subjected to forfeiture if cultivated by Slaves. The Despatch having been received on the 3rd of October, and the District of Albany established by Proclamation on the 13th of that Month, it would appear to have been intended by defining the limits of that District to apply the Condition exclusively to grants in future to be made within it ; and according to a Letter addressed to the Magistrate of Albany in June 1821, communicating the Commands of His Majesty that were signified in Your Lordship's Despatch, the Frontier District of Albany was assumed as the limit within which the restriction was to be applied ; although it has been stated to us to have extended along the Caffre Frontier on the Baviaan's River, where a Party of emigrant Settlers was located. We deem this explanation necessary, as the Despatch of Sir Rufane Donkin of the 14th October 1820 makes no allusion to these dispositions as connected with

the motives that have led to or induced the establishment of the District of Albany, and as the restriction upon the employment of Slaves has not been introduced in the Grants that have been made beyond the limits of that District, with the sole exception of the Lands settled by the Scotch Party on the Baviaan's River.

The Grants that were made in Albany by the Acting Governor during the year 1821 consisted of fifty five Freehold Building Allotments in the Townships of Graham's Town and Bathurst ; and of 28,600 Acres in Quit Rent to eight Individuals, two of whom only were occupiers under the Law of 1814 ; the others had no claim arising from preoccupation ; and these Grants were not subject to the Regulations of 1814 and 1817, or to the limitations that had been imposed on the emigrant Parties.

In the year 1822, 10,684 Acres of Land in Albany were ceded by Lord Charles Somerset to four Individuals under the same circumstances ; and in June of that year, the attention of the Governor was drawn by the Inspector of Lands to various objections against the completion of a number of Grants that had been recommended in favour of Occupiers of Lands in Albany under the Proclamation of 1814, and who were not reported to have fulfilled the conditions of their occupancy. It was urged by the Inspector that the only part of the Regulation that had been kept in view by the local Commissions of Inspection, had been the remission of Rent for 10 years, and that no clause in their Reports had any reference to the conditions under which the Lands had been occupied. In the reply of the Secretary, it was contended on the part of the Governor that it had been found impracticable to impress upon the local Authorities the principle of the System he had wished to introduce ; and also to prevent old Colonists from occupying Lands in the manner to which they had been accustomed, and His Lordship did not regard these and other objects of the same importance with that of conciliating the local Authorities and Inhabitants.

In pursuance of these views 70,768 Acres were ceded in the Year 1823 to Eleven Individuals, with a remission of Charges of Rent for ten years. Whatever weight may be attached to the consideration that induced the Local Government to suspend or relax the conditions that it had from former experience

prescribed for the effectual Settlement of the Lands in Albany, and which were granted on the same indulgent terms to many Individuals who had not resided as to others who had, to old Colonists, and to new Residents, there can be no doubt that the alienation of considerable tracts of Land to Individuals without stipulation either in regard to residence or cultivation, or to the fulfilment of any previous conditions of occupancy, was unfavorably contrasted by the new Settlers with the enforcement of stricter conditions upon themselves, and of limitations as to extent, that even their short experience had shewn to be either impracticable or prejudicial.

The opinion so early expressed by the Acting Governor that the Locations would require to be enlarged, must have proceeded from his conviction that the Settlers were not likely to establish themselves upon their original allotments; but altho' some individual exceptions were made, the successive failure of their Crops, and the reduction of their numbers, led to the adoption of no general Measure for the relief and encouragement of those Parties that had persevered with best effect; and the original Plan for the Settlement of the Lands after three Years cultivation and residence upon them, was proceeded in as if it had not in effect already been defeated by the dispersion of three fourths of the original Settlers, and the impoverishment of those that remained.

In December 1822, Instructions were sent to the Landdrost of Albany to cause an inspection to be made of the Locations, and a Report transmitted of the progress made by each Party that was located in 1820, as the period approached when the Heads of Parties would claim their grants under agreement with His Majesty's Government. This Return was made in May 1823, when in fact the three years of their occupancy of the Land had already expired; and altho' the Landdrost has pledged himself to the accuracy of his Statements, the Settlers have contended that they were partial and inaccurate. According to this Return it would appear that the adult Settlers were then reduced from 1004 to 438, and that no extension of their Lands had been recognised. The exertions, or the idleness of the Parties were stated without reference to circumstances that may have encouraged some and retarded others. The dissolution of the Parties of hired Servants would obviously

account for the absence of improvement in the locations assigned to their Heads ; and the difference of Soil in various situations would facilitate or retard the labours of Agriculture, even had there been no disappointment from the successive failure of the Crops.

The aggregate Return of produce upon 1477 acres of Land stated to be in cultivation, was inconsiderable ; but the disproportion was as great between the labours and returns of the different parties, as between the fitness of the Lands for cultivation upon the several Locations. In the estimate of their Stock it was also apparent that 10,735 Head could scarcely have been maintained upon 104,100 acres at 10 acres per Head, even if the Land had been distributed in the proportions that Stock was possessed ; but as those Parties that had been united and industrious were generally possessed of the largest Stock and the least extent of Land in proportion to their actual numbers, the inconvenience was much felt where it was desirable that it should have been first relieved. A few Allotments were granted upon individual application during the year 1823, but without reference to any general arrangement ; indeed by a letter addressed in May to one of the Heads of Parties, it was distinctly intimated, that until the Locations became grantable no additional grants would be made ; the parties continued to be held in the same suspense at a much later period, and in October 1823, we are informed by His Excellency the Governor that this delay had been further protracted by the Commissariat Department not having made up the accounts of issues to the Settlers, and for which the several parties, and their respective Allotments were to be made chargeable. It was also observed by the Governor that he was in expectation of a Report from the Landdrost which had been delayed owing to the unsettled state of the Parties. In the Instructions that were soon after addressed to that Magistrate, his report of the exertions of the several parties on their Locations was adopted as the sole Criterion by which their claims were to be recognized ; and the Governor decided that the full extent of the original Allotments should be granted only to such Heads of Parties as were considered by him to have been industrious on their Locations. Upon this principle, the claims of thirty two parties were recognized,

and those of sixteen were rejected, it being referred to the discretion of the Landdrost to recommend what proportion of those locations should be granted to the Individuals remaining on them. It was at the same time announced that the Quit Rent would be assessed at the rate of four Skillings Cape Currency per 100 Acres, an abatement of considerable importance to the Settlers, as the original rate of two Pounds Sterling per 100 Acres had been proposed upon an estimate of the resources of the Land, which experience had not justified, and far exceeded the ordinary rates of Assessment upon the best Lands in the Colony. Title Deeds were forwarded in November 1823 for the Parties in the first List, and which were directed to be delivered to the Persons for whom they had been prepared upon their respectively signing the Commissariat Account and acknowledging the Balance for which they were responsible to the Public. According to a List that was furnished to us in February 1824, it appears that twenty two Heads of Parties, or Individuals representing them had at that time received Grants of the Locations upon subscribing to the Accounts of the Commissariat.

The principle of this arrangement had been contended against in a Statement that was made to us soon after our arrival by the Inspector of Lands and Woods, who objected to the Landdrost's Report being adopted (without material revision) as a guide in determining upon the claims of the Parties; and he strongly urged to us that a new distribution of the Lands would require in most instances to be made, both with reference to their resources and extent before they could be fairly apportioned to the remaining Settlers. The Inspector objected also to the uniformity of the assessment of the reduced Quit Rent without reference to the qualities of the Lands, by which a system was revived that had been exploded by Sir John Cradock in 1809, who regulated that the resources of the Land should be accurately ascertained at the expense of the applicant, and the Rents proportionately estimated; but as a Survey for this purpose would have been attended with further delay, and as the Charges must have been defrayed by the Government, we are disposed to think that the eventual requirement of a higher Rent upon some superior Lands would not have compensated for the time

and expense that the undertaking would have involved, independently of the protracted suspense to the impoverished Settler.

In pursuance of the principle that augmentations of Land should be generally withheld till the original Locations became grantable, a considerable List of Memorials had been allowed to accumulate ; these to the number of two hundred and fifty were lying for Report at the Office of the Landdrost at the period of our arrival at Graham's Town ; and as more than two hundred of them had been addressed by the Emigrant Settlers, it was explained to us by the Landdrost, that having only received the Diagrams of the Locations in June 1823, he had postponed the inspection of the additional Lands prayed for till he had ascertained the Boundaries ; and the period having then arrived when the Locations became grantable, it was his intention to proceed with the inspections, and to report upon the augmentations, which the Governor would be disposed generally to sanction. The preparation of the Commissariat Accounts had been the alleged cause of delay in the execution of the grants, but the duty of the Local Magistrate was confined to the inspection of the Lands and the transmission of those Reports by which the Government required to be guided ; and we cannot avoid remarking that no satisfactory reason was assigned by the Landdrost for the injurious delays that occurred. The lands had become grantable in March and April 1823 by the strictest interpretation of the conditions originally proposed by His Majesty's Government, and the Report that was made in the Month of May of that year did not allude to the general insufficiency of the Lands that were first assigned. It specified the number of acres to which the party had been entitled in the original Allotment which was known to be inadequate, and it neither stated the extent of Land that had actually been occupied, or that was positively required by the Settlers. Additional Lands were recommended to be granted to certain Individuals, by which the Rule that had been prescribed was violated, while the claims of the Parties of Settlers were postponed, on a plea that the original Boundaries would need first to be declared, yet these Boundaries had been pointed out by the direction of the Landdrost, and as certificates were taken from the Heads

of Parties, they might have been obtained from the Surveyor who had executed his instructions.

It does not appear that the inspections were made by the usual Commissions of the District Board ; and it has been stated to us that the printed Report was drawn upon information that was derived from inferior Officers of the District ; but admitting it to have been the result of the personal observations of the Landdrost, in a general estimate of the exertions and resources of the different Parties framed for the express purpose of effecting a Settlement of their Lands, it was of the first importance that the Governor should have been placed in possession of all the information necessary to have enabled him to effect a complete revision of the original Settlement, and in framing the Diagrams of the Locations, to have included the augmentations that the Parties required, and which might equally have been pledged as a Security for the debt to Government, even if the Grants were to have been accompanied with such a condition. The value of the Land was however too inconsiderable to render it an object to burthen the possession with a Mortgage that would discourage exertion and obstruct those transfers which it might be the interest of all Parties to promote ; and it was therefore judiciously determined by Lord Charles Somerset not to impose it, but to take a simple acknowledgement of the debt from the Heads of Parties, which had no reference to the extent of the Land and the value that it might eventually acquire from the labour bestowed upon it. With respect to the numerous Claimants for small Allotments, if they could not be settled upon the Locations it would have been practicable and advantageous to have generally assigned to them building Allotments in Graham's Town where they had resorted for labour, and where about thirty Mechanics have ultimately been established with advantage to themselves and to the Public.

As the number of Adult Settlers residing on the Locations in May 1823 amounted only to 438, and in February 1824 to 596, it is probable that many of these Applicants had returned to the different Locations, either to await the issue of their Memorials for Land or to renew their Labours for present subsistence. The partial Crops that were reaped in the year 1823 may also have revived the hopes of many who had

resorted to the Towns after the successive failures of preceding years ; and from the acquired resources of this Class, renewed exertions were to be expected. The disposition of the Mechanics and Labourers to seek employment in the Towns might have suggested the expediency of promoting their establishment at the Seat of Magistracy or at Bathurst ; and when they afterwards manifested a desire to return to their Locations, their aggregation in favorable situations might have been encouraged by the reorganization of fresh Parties out of the numbers of those that had been dissolved. On the whole it is apparent to us that the complaints generally preferred by the Emigrants of the delays in the Settlement of their Lands were well founded, and that these delays, altho' primarily attributable to the frequent changes of the Local Authorities, might in a great degree have been obviated on the part of the Civil Magistracy appointed on the return of Lord Charles Somerset, by application to this important branch of their duties, and by timely attention to the urgent Claims of Individuals and of Parties ; and we are further of opinion that the circumstances which unavoidably prevented Lord Charles Somerset from proceeding to Albany after resuming his Government in 1821, were unfavorable to his acquirement of correct information respecting the condition and claims of the Settlement, and which we are fully assured would have induced His Lordship to have interposed promptly for their relief. Under these circumstances the measure adopted by His Lordship in the last year of deputing a Commissioner for the special investigation of the numerous Claims that had arisen since the arrival of the Emigrants in 1820, was one of urgent necessity ; and His Lordship's recent visit to the Frontier has enabled him to give effect to arrangements for the final Settlement of the several Parties, and the adjustment of Individual Claims.

The dispersion of the Parties composed of articulated Servants, having left the Individuals who conducted them, in most instances in the single occupation of their Allotments, the Grants have been confirmed to them in consideration of the losses and disappointments they had sustained. The Parties of Settlers who emigrated under nominal Heads, and whose adherence to the land has been the consequence of their more

direct interest in its possession, have been subject to a more detailed Settlement.

By confirming the title of each Settler to the Land he had brought into cultivation, and by throwing the remainder of his Allotment of 100 Acres into Commonage for the general use of the Party, a final adjustment has been made of numerous conflicting claims arising from disputed boundaries of Allotments that had been too long unsettled, and had become the subject of much dissension and animosity; and the further improvement of the Land has been encouraged by the addition to the Allotment of each Individual of whatever land his industry may enable him to enclose and to cultivate; making a proportionate deduction from the number of Cattle that he is privileged to depasture upon the Common Land of the Location. As this arrangement has been made with the concurrence of Parties in which it has taken effect, and as the utmost practicable extension of the location has been granted by the Governor, the main obstacle to their advancement has been satisfactorily removed; and altho' some practical inconvenience may eventually arise from diminishing the Cattle Stock of those who have cultivated to the greatest extent, we are disposed to think that the principal defects of the original plan as applied to the peculiarity of the Country, have been counted; and that the permanent settlement of Parties associated for cultivation and defence upon a Frontier so open to the inroads of the Caffres, may at length have been effected by the British Emigrants after the failure of repeated attempts to accomplish this object by means of the older Colonists. We take this opportunity of remarking to Your Lordship that this important principle, which was the basis of the original plan, upon which the Emigration was suggested and undertaken, has been accomplished in no instance by means of the Parties consisting of articed Servants, but exclusively by those which were composed of Settlers, who by advancing the Sums required to be deposited, possessed a title to the independant acquirement of an allotment of Land upon the location of the Party; and their direct interest in the possession, induced many to persevere under circumstances of discouragement which led to the early dispersion of the Servants, either from their misconduct or the inability of the Masters to support them.

The steady success that has attended the exertions of the Scotch Settlers, who were located in the District of Graaff Reinet, is a conspicuous proof of the effects of united and persevering industry in surmounting the natural obstacles that have impeded the progress of the Emigrants. These exertions were however uniformly seconded by the attention of the local Magistrates as well as of the Government to their interests ; and the grant of considerable tracts of Land enabled them to maintain their Cattle, while they pursued their agricultural Labours, and raised a surplus for the general market, which was purchased by the Government.

It is necessary to take a short retrospect of the intercourse and collisions of the Colonists with the Caffre Tribes in order to account for the hostilities that prevailed and that led to the incursions of the Caffres and the devastation of the Frontier Districts at successive periods.

Previous to the conquest of the Colony by the British, the situation of the local Government was for a long time unfavorable to the regular exercise of control over the Settlers upon the Frontiers, who from their habits were disposed to encroach upon the Lands occupied by the native Tribes, by seizing their Springs on which their Tenure entirely depended ; a spirit of hostility thus grew up with the earliest Establishment ; and a system of desultory Warfare was carried on against all those Tribes who were not subjected to the yoke of Servitude which had been imposed upon the Hottentots. In the encroachments of the Boers upon the Lands occupied by the Caffre Tribes situated upon the Eastern Frontier, these hostilities assumed a much more formidable character than those that were carried on against the Border Tribes inhabiting the Northern and Western Frontiers. The Caffres being an athletic Race and occupying a country in which they were enabled to subsist by tillage and by the pasturage of large Herds of Cattle, their means of subsistence and their Resources rendered them greatly superior to the others. On the other hand the Boers occupying extensive tracts of pasture land, generally from 5,000 to 10,000 Acres in each Farm, and their property consisting almost exclusively of Cattle, committed to the charge of a few ill-paid Hottentot Herdsmen, the strongest temptation was held out for the thefts of the Caffres, which

were facilitated by their habit of penetrating the thickets that extend over the Eastern Frontier and of driving cattle thro' them in a manner to preclude the chance of successful pursuit, especially if the theft were committed in the Night or in Stormy Weather. These depredations being of frequent occurrence, reprisals were indiscriminately made by the Boers, and as they did not limit themselves to the recovery of the cattle stolen, but captured large herds on which the subsistence of the Caffres depended, they drew on the Colony the hostility of the Tribes whose incursions were attended with general devastation of the Frontier Provinces.

In the absence of military protection it had been the practice of the Colonists who were expert in the use of Fire Arms to assemble for their mutual defence, and thus strengthened to proceed in pursuit of Depredators, or to attack the Tribes by whom they were threatened or disturbed.

These armed assemblages of the Inhabitants thus formed were called Commandos ; and the system was recognized by the Government at the Cape, who appointed a Field Commandant to each District, and a Field Cornet to each Sub-division of the District.

In ordinary cases of theft and petty depredations against the advanced Settlers upon the Frontier, permission was easily obtained for the pursuit of the Depredators, and the reports of the interested parties were too credulously received ; indeed an unrestrained licence appears to have been given for the prosecution of the desultory warfare that was most fatal in its effects to the Bushmen, altho' indiscriminately directed against these Tribes and those of the Caffres. Independently of such a System in its encouragement to habits of revenge and violence against the aboriginal Tribes, a respect for the Authority of Government was gradually impaired amongst the more advanced Settlers, and a new Seat of Magistracy was established at Graaff Reinet in the year 1786 with the object of restoring the authority of the Government upon the Frontier, and of establishing pacific relations with the Tribes against whom the Commandos had been directed. In the year 1792 an invasion of the Eastern frontier by the Caffres, led to a general Commando being called out in the following year, and by the judgement of the local Magistrate who accompanied it

tranquillity was restored ; and a friendly understanding established.

The organization of the commandos under the authority of the Field Commandants, and the privilege accorded to them of holding Councils of War led however to a renewal of the outrages before complained of, and enabled the Boers to resist the measures of restraint and conciliation which the local authorities were directed to pursue.

The disorders that were the consequence of such a state of things favored the emancipation of some of the Hottentot Tribes who detached themselves from the Service of the Boers by whom they were much oppressed ; and their union with the Caffres rendered their attacks upon the Colonists still more formidable.

It was in these circumstances that the temperate and judicious measures of General Francis Dundas were applied to the object of securing the permanent tranquillity of the Frontier, by settling the Hottentots within the Boundary, and by enforcing the check that had been given to the Commandos by the later policy of the Batavian Government. It was the opinion of General Dundas that such a system of defence was open to great objection both in a political and in a military view ; and that the employment of the armed Inhabitants should only be resorted to in the event of a general invasion of the Colony. He considered that the Hottentots were better calculated for the defence of the Frontier than regular Troops, and in pursuance of these views he proposed the employment of a Hottentot Militia under the Commissioner at Graaff Reinet who had been chiefly instrumental in securing their allegiance, and in promoting pacific Relations with the Bushmen and the Caffres.

The views of the British administration for the Settlement of the Frontier had not been effected at the period of the restoration of the Colony to the Batavian Republic in 1803, and the attention of the Dutch Authorities was directed to the means of restoring tranquillity by amicable negotiations with the Caffres, and by restraining the disposition of the Field Commandants for the renewal of active hostilities.

The Fish River from its Source, to the Sea, having long been considered as the Boundary of the Colony, the Tribes

that were settled in the Zuurveld were regarded as Intruders, and their expulsion was an object which the Batavian Government would appear to have contemplated when their means might enable them to effect it.

The intercourse that prevailed from the situation of these Tribes had led to the introduction of many Caffres into the service of the Colonists, and the association of the Caffres and Hottentots had produced a mixed Race who were settled in the Zuurveld under the designation of Ghonas or Ghonaquas. The Colonists readily availed themselves of the services of these People, who were remunerated at little cost ; and from habit many of them were attached to their Employers. A connection however existed between them and the Caffre Tribes, which it was conceived might expose the Colonists to danger in the event of a recurrence of hostilities, and an order was given by Governor Janssens for their discharge. A new Seat of Magistracy was however established in 1804 at Uitenhage 20 miles from the Military Post at Algoa Bay ; and the Landdrost, who was also the Commandant of the Troops, was entrusted with the duty of maintaining those relations with the Caffres, which under the British Government had been confided to the Commissioner at Graaff Reinet.

The policy of the British Administration which succeeded upon the Conquest of the Colony in 1806, was dictated by a principle of conciliation towards the Caffres, and one of the measures adopted was the establishment of a Missionary in Caffraria, who collected around him for instruction a number of the Ghonaquas and Caffres, and who is represented to have acquired considerable influence over their Chiefs.

The Tribes that were established in the Zuurveld continued in the occupation of those Lands and were advanced to the Sunday's River in the District of Uitenhage. The Colonists complained of occasional thefts committed by Caffres ; but an increasing intercourse obtained ; and the employment of the Caffres in the Service of the farmers was continued.

In the year 1809, Colonel Collins was deputed as Commissioner for the Settlement of the Frontier ; and after an interview with the Chiefs, he appears strongly to have conceived the policy of compelling the Tribes settled in the Zuurveld to repass the Fish River, and of severing entirely their connection

with the Colonists, by compelling the expulsion of the Caffres and Ghonaquas who were domiciliated in the families of the Farmers. In pursuance of his recommendation, these people were ordered to be discharged in the same year, and were driven from the habitations of the Colonists. Complaints however continued to be made of the depredations that were committed ; and in the following year it was represented by the Landdrost of Uitenhage that the restraint which had been imposed on the Boers in retaliating upon the Caffres, had not induced the former to use more vigilance in the protection of their property ; and that their indolence and carelessness exposed them to the thefts that were committed.

The recovery of the Zuurveld was again urgently recommended, and various suggestions were offered for the occupation of those Lands by a better description of Settlers, and also for a stricter limitation of the Grants in order to promote Agricultural Settlement for which the Zuurveld was conceived to be more favorable than the Lands of Uitenhage ; and in pursuit of these views it was deemed necessary to expel the Caffres by force, and effectually to re-establish the original boundary of the Fish River. Measures to this effect were soon after adopted, the Force on the Frontier was strengthened, and in the year 1812 the Caffre Tribe of Slambie and his Adherents were driven out by means of a Military Force assisted by the Commandos assembled from all the Districts in the Colony.

Sanguine expectations were formed of the benefits that the Colony would derive from this measure of expulsion, and the reoccupation of the acquired Territory. Meanwhile a larger Military Force was appointed for the protection of the Frontier, the Head Quarters of which were stationed at Graham's Town. A Government Farm was established for the supply of the Troops, and a Corps of Hottentot Infantry was raised, the expence of which was partly provided for by levying an annual Tax upon the Inhabitants of the interior Districts as a commutation for their services when not required in the Commandos. The Inhabitants of the Frontier Districts of Uitenhage and Graaff Reinet were at all times liable to be called on for such service, and they were therefore exempted from payment of the Tax. The establishment of a Military Command upon the Frontier led to greater regularity in the

employment of this description of Force, which was subjected to strict Military control, and restraint was thus imposed along the Eastern Frontier of Albany upon the propensity of the armed Inhabitants to make incursions and reprisals which had produced so much animosity between the Colonists and Caffres.

With the object of checking the inroads of small parties of Depredators, a line of Posts was established by Colonel Graham, and the troops were employed in patrolling the Thickets and guarding the Passes by which the Caffres might enter the Colony. These duties were found to be harassing to the Troops, and the Inhabitants were exhorted to use more vigilance in the protection of their Property. All Caffres found within the limits of the Colony were directed to be treated as enemies and fired on, except those who were sent in by the Chiefs. A commanding position at Graham's Town was chosen for the Head Quarters of the Troops, with the object of forming a defensive Settlement around it.

The Commandos which had been called out from all the Districts in the year 1811 were not finally dismissed till 1815. Complaints of depredations continued to be made by the Colonists, but the general tranquillity was considered to be sufficiently restored in 1817 to admit of the reduction of the Cape Corps which had been raised in 1812.

As the chief subsistence of the Caffres is derived from their Herds, the use of extensive tracts of wild pasture land is indispensable to them. The retreat of the fugitives accordingly led to mutual inconvenience, and augmented the animosities that had formerly prevailed, and which were the alleged cause of the reluctance felt by the Tribes occupying the Lands of the Zuurveld to retire from them. In these circumstances the policy was conceived of recognizing the ascendancy of the Chief Gaika over all the Tribes inhabiting the border, and of maintaining pacific relations with them by means of his controlling authority. The Governor Lord Charles Somerset, who repaired to the Frontier in 1817, held an interview with this Chieftain, at which the others were present; and he entered into certain engagements with them, the basis of which were the recognition of the supremacy of Gaika over the other Tribes, and an engagement on the part of the Chiefs to restrain

them from committing depredations ; to restore the Cattle of the Colonists and to permit the Government to enforce restitution, or to obtain an equivalent from the Cattle of the Kraals or Villages to which the plunderers might be traced. The Rival Chiefs were present at these negotiations ; and it was further stipulated, that all intercourse with the Colony should be prohibited except through the medium of the Chief Gaika ; that his agents should be allowed to barter at Graham's Town ; and that all other Caffres found within the Colony should be treated as enemies. Measures were taken to enforce these arrangements, a closer settlement of the Lands in Albany was again projected, and the establishment of a system of Military defence by means of numerous Posts to be placed at distances that would admit of prompt communication between them. Day and Night signals were to be made, and Patroles were to move constantly between the Posts. Thirteen Posts occupied by 632 Rank and File were placed in the front line along the Banks of the Fish River ; and twelve Posts, containing 430 Rank and File, in the Rear or second Line.

It was enjoined that the Caffres should be treated with kindness and good faith, that when attacks were made on them the Villages or Kraals should be spared ; and to prevent the destruction of lives, the sum of five Rixdollars was offered for each prisoner taken alive. The trespasses of the Inhabitants upon the Lands of the Caffres were strictly forbidden, and associations recommended for mutual defence in the event of Invasion. From the operation of these measures the Governor looked forward to so complete a restoration of tranquillity on the Frontier as to admit of an entire reduction of the Military Force ; and it was in pursuance of these views that he recommended to Your Lordship, as we have already stated, the Settlement of the Albany District by a body of European Emigrants.

In the following year from the continuance of depredations it was considered necessary to renew the Orders to the Troops for continuing the Patroles. The mounted Inhabitants were appointed to do the duty of the Dragoons that were withdrawn, and when incursions were to be made into the Caffre Country, armed Hottentots were to be collected from the service of the Inhabitants of Districts and from the Missionary Institution

of Bethelsdorp. These measures appear to have failed in the effect expected from them, altho' great exertions were made by the Government to maintain the newly acquired Country.

The thefts committed by the Caffres led to the employment of the Troops in obtaining restitution. Reprisals to a large extent were made upon the Cattle of the Kraals; and the remonstrances of the Chiefs were accompanied with threats of renewing their predatory Inroads along the whole Frontier if they were thus to be deprived of their means of subsistence. From the communications of the Missionary Agents it would appear that the capture of their Cattle had exposed the Caffres to much distress for subsistence; and that the practice of shooting them when they crossed the boundary had created a strong sensation with the Chief Gaika, who alleged that some of his people had been indiscriminately killed.

Impatience of the restrictions was manifested by the Caffres, and jealousy of the ascendancy of Gaika, against whom a confederacy was formed, while protection was given to those who committed depredations in the Colony. In November 1818 it was deemed necessary that a decisive blow should be struck against the confederate Tribes, and it was proposed to drive them over the Keiskamma River situated beyond the Boundary of the Fish River, and to bestow their Lands upon Gaika. These measures were anticipated by the hostile Tribes, who attacked and defeated Gaika, dispossessed him of his Cattle, and drove him out of his Country. Active measures were taken by the Government to restore him to his possessions. The Troops upon the Frontier and the armed Inhabitants from all the Districts, amounting to 3,352 Men, were again assembled; and the attack that was made in December 1818 upon the hostile Tribes being successful, Gaika was again restored. The employment of the Colonial force in Caffraria and the capture of considerable Herds of Cattle from the Caffres led to a renewal of depredations in the Colony. Numerous bodies of Caffres crossed the Fish River and drove in the small Military Posts, and compelled the Inhabitants to abandon their dwellings, most of which were destroyed. The marauding Parties retreating with their Cattle and Plunder were again intercepted and defeated. Some instances of successful resistance were made by insulated Parties of the Inhabitants, and especially

by a hundred Hottentots who were settled at the Missionary Institution of Theopolis in Albany and at the Moravian Institution near Uitenhage. By the former the Caffres were successfully repelled, and an important pass thro' the Country was thus secured.

Reliance was still placed on the friendly disposition of the Chief Gaika, and hopes were entertained of an amicable intercourse being established with the Caffres, through the ascendancy of his Tribe. Meanwhile reinforcements of Troops were forwarded to the Frontier, and a plan of invasion and attack was formed. As the Dragoons had been withdrawn, and the small Posts were proved to be ineffectual without them in securing the Frontier from the inroads of the Caffres, these were ordered to be broken up, and a few strong Posts to be retained.

The Inhabitants of all the Districts were again called to serve in Commandos during the projected invasion of Caffraria, and which had for its object to establish the supremacy of Gaika, to drive the hostile Tribes and to remove their Villages beyond the Kesikamma, and to compel the restoration of Deserters and the delivery of Fire Arms. The Governor disclaimed his intention of extending the Colonial Boundary beyond the Fish River, and he adhered to his views of the policy of restricting the intercourse of the Caffres to a privileged barter at Graham's Town, to be conducted by the Agents of the Chief Gaika. While these arrangements were in progress, and before the armed Inhabitants could reach the Frontier, the Caffres, taking advantage of the weakness of the Garrison at Graham's Town, which had been reduced to 300 Men, concerted an attack, which was conducted with such secrecy, that the appearance of an armed Multitude upon the heights above the Town was the first intimation that the Garrison received of their approach. This attack was made with great confidence and was repelled with spirit by the Troops, which consisted of European and Colonial Infantry; the want of Cavalry prevented the pursuit of the fugitives. The Commandos having assembled, the Force crossed the Fish River in August; and in the course of the operations the Caffres again entered the Colony in great numbers, but were eventually defeated and driven out with the loss of their Cattle.

The arrival of the Governor upon the Frontier in October 1819 and the negotiations that ensued led to some changes in the relations with the Caffres, and in the disposition for the defence of the Colony. The occupation by the Caffres of the Thickets along the Fish River had exposed the Frontier to invasion, which the posts established had been unable to check ; and it was stipulated with the Chiefs that the Chumie and Keiskamma Rivers should be recognized as the future boundary ; the banks of the latter River being open admitted of the Establishment of strong Posts in advance which from their situation might be calculated to control the Caffres. A short interval was allowed them to remove their property beyond those Rivers, when the Kraals or Villages were directed to be destroyed ; and it was stipulated and agreed that the country between the Fish River and Keiskamma should remain unoccupied. Gaika was recognized as the Chief of all the Country between the new Colonial Boundary and the Lands occupied by a peaceable Tribe situated on the further confines of Caffraria. His authority over the other Border Chiefs was to be exerted for the suppression or the punishment of depredations committed within the Colony, in which he would be supported by the Troops stationed at the advanced Posts, with orders to take from the Depredators an equal quantity of Cattle, and otherwise to punish them with severity. At the request of Gaika a Missionary Instructor was again appointed to reside with him, who as a Political Agent would be also a medium of communication with the Colonial Government.

On the completion of these arrangements, the armed Inhabitants were dismissed from Service, and the Commando Tax was relieved in the following year upon all the Districts excepting those of Graaff Reinnet and Uitenhage. At this juncture the emigrant Settlers arrived and were located in Albany, and their presence gave encouragement to the old Colonists to resume the Lands, which the unsettled state of the Country had induced most of them to abandon.

Many thousand head of Cattle were taken and recaptured during the operations of the war in 1819, of which no account was taken ; but in the District of Uitenhage 12,590 Head of Horses and Cattle were returned as taken from the Inhabitants, besides 2059 sheep, and of which only 859 Head were recovered.

During the year 1820, being the first year of the establishment of the Emigrants in Albany, 483 Head were returned as stolen by and 121 as recovered from the Caffres. In 1821, the numbers returned as stolen did not exceed 298 Head of Horses and Cattle, of which 94 Head were retaken and distributed ; but in the following year (1822) the depredations alarmingly increased ; 2,591 Head of Horses, Oxen and Cows being reported to have been stolen from the Settlers in Albany, of which 778 Head were recovered by the Troops. These depredations were continued in the following year (1823), in which 2,136 Head of Horses and Cattle were carried off, of which 526 were recovered. These depredations were ascribed by Lord Charles Somerset to the relaxation of the System of defence that His Lordship had established ; and it is admitted by the Commandant who was appointed on the return of His Lordship to the Colony, that he had not persevered in the attempt to exclude the Caffres by patrolling in the Thickets upon the Fish River.

The Instructions had been that whenever it became necessary to cross the boundary in pursuit of the Caffres, Cavalry or mounted men should alone be employed ; the Infantry being alone engaged in patrolling the Thickets. Colonel Scott was of opinion that it was impracticable to prevent them by such means from entering the Colony ; that when thefts were committed, the employment of Cavalry in the pursuit of the Depredators had been promptly resorted to, but that the address with which the Caffres eluded pursuit in the Thickets, and surprized the objects of their attacks, as it had enabled them to approach in numbers even to Graham's Town and unobserved, would defeat the vigilance of the Patroles in arresting a few straggling Depredators ; that patrolling in the Thickets was harassing to the troops without being effectual to the object proposed by it ; and that the establishment of Posts upon the new Frontier, with orders to patrol occasionally between them, would afford better protection to the Colonists than by exposing the Troops at all seasons in an arduous and unprofitable Service. Colonel Scott was disposed to rely much upon conciliatory intercourse with the Caffre Chiefs and an encouragement to barter with the Tribes by means of the establishment of Fairs. The depredations which increased so

much in the year 1823, he ascribed to the interruption of their peaceable relations occasioned by an attempt that he was directed to make to seize the Chief Gaika in his Kraal.

The reliance that had at one time been placed upon the effect to be expected from establishing the Supremacy of this Chief over the border Tribes had in a great degree been weakened, from the continuance of depredations committed upon the Colonists. At the conclusion of the War, Gaika had retired with his followers behind the Chumie River, and the Missionary Agent who had been appointed to reside with him was allowed to form an Establishment in the vicinity of his residence. This Agent had been deputed in the year 1818 to proceed to Caffraria, with instructions to cultivate a friendly intercourse with the Tribes, and by the influence of example to attempt to diffuse amongst them the principles of the Christian Religion, and the arts of civilized life. Independently of these original objects, the duties that devolved on the Agent were important, under the peculiar relations that subsisted between the Caffre Tribes and the Colony. He was required to watch the conduct and proceedings of the Caffre Chiefs, to observe that Deserters from the Colony whether Soldiers, Slaves, or Hottentots, were given up to the Magistrate upon the Frontier. Depredations upon the property of the Colonists continued at the same time to be committed. When the stolen Cattle were traced into the territory of Gaika, they were usually restored, or an equivalent given for them; but the inferior Chiefs were found to connive at the thefts and Gaika evinced no disposition to punish the Offenders, or to exert the control of which the Governor had recognized him in the possession; indeed the Agent had reason subsequently to believe that he had detained some Cattle, that another Chief had sent to him to be restored to the Colony.

A serious occurrence took place about the end of the year 1821, originating in the seizure of 48 Head of Cattle, and the Murder of an English Settler. A Detachment was sent into Caffraria, but Gaika rendered no assistance in tracing the Marauders. A Caffre was subsequently given up by another Chief as concerned in the Murder, and orders were transmitted from Head Quarters for his execution if he should be proved to have committed the Crime. A conference was held with

Gaika and his Son, in the course of which the prisoner confessed the crime, and the Commandant having no doubt of his identity, required the Chiefs to direct him to be executed; this was resisted at first, but the man was strangled on the preparation of the Troops to enforce the execution.

Such had been the progress of the relations established with the Caffres, and such the degree of tranquillity restored to the Frontier, when a dispute arose between Gaika and his Subjects who resided with the Missionary Agents, which led to the attempt to seize the Chief by means of a Military force. In January 1822 it was reported by the Agent that two Persons who resided at the Station, and who had formerly been in service with the Colonists, had observed some Horses in possession of the Caffres, two of which they recognized as the property of their former Masters; that they took and restored them to the owners, in consequence of which reprisals were made by the seizure of all the Cattle belonging to the people who resided with the Missionaries. As the Horses were in possession of the Tribe that acknowledged the authority of Gaika's Son, his cognizance of the transaction was apparent as well as from his subsequent reluctance to restore the Cattle they had seized on requisition being made by an Officer who proceeded with a Party to enforce restitution.

Gaika appears to have strongly remonstrated with the Officer at this interference, on the ground that the Caffres residing with the Missionary were his Subjects. These persons were chiefly composed of the people who had before been resident in the Colony in Service with the Inhabitants, and whose expulsion had been ordered and effected.

On the report of this transaction being received at Head Quarters, instructions were sent by Lord Charles Somerset, directing that a Detachment of Cavalry should be appointed to proceed to the residence of Gaika and after surrounding him, to demand restitution of the Cattle; and it was directed that if the Demand was not complied with the Chiefs were to be seized and detained till the whole should be restored. From the Reports of the Government Agent it appeared that of 275 Head of Cattle taken by the Caffres, 157 had been restored on the first demand; and that a further number had been given up before the instructions for making the attack

were received. On the receipt of orders by the Commandant, the party was sent out to surprize the Chief in his Kraal ; but the enterprize failed, and Gaika succeeded in escaping to the fastnesses of the Mountains ; the alarm however occasioned by this attempt induced the restitution of the remainder of the Cattle withheld. In the subsequent Reports of the Government Agents, the effects of this occurrence were stated to have been injurious to their influence with the Caffres, and to have increased the jealousy entertained by the Chiefs at the progress of the Institution. It was the decided opinion of the Commandant that the depredations which were committed along the Eastern frontier during the year 1822 were the consequence of this interference and the attempt to seize the Chief Gaika ; and with a view to regain the confidence of Gaika, he with difficulty obtained an interview with him in April 1823, at which the Chief was induced to renew his promise to check the depredations ; and the Commandant engaged to promote an amicable intercourse with the Caffres by the establishment of a Fair near the residence of Gaika in Caffraria. It is alleged by the Commandant that the depredations ceased from the period of this conference, till the public tranquillity was again disturbed by the misconduct of the Dutch Farmers upon a part of the Frontier at that time beyond the limits of his command.

We have already observed that the establishment of a Military Force upon the Eastern Frontier had tended to check the irregularity that had formerly prevailed under the system of defence by Commandos, but as the Eastern Frontier had alone been subject to the inroads of the Caffres, the extensive confines to the Northward were still left to the protection of the armed Inhabitants. The Scotch Party of Settlers having been established there in 1820, added much to its security by their union and vigilance in the protection of their property ; and to this circumstance may be attributed the fact of their having sustained no loss, altho' depredations continued to be committed upon the Boers in their immediate neighbourhood, in consequence of which Commandos were constantly sent out at the discretion of the Field Cornets. In the month of September of that year an application was made for the assistance of the Troops in Albany to retaliate upon the

Caffres for some depredations imputed to them. The application being referred to the Commandant by the Officers of the advanced Posts, the Field Cornet did not await the result but sent a Commando of Boers into Caffraria which was finally driven out by the Caffres, against whom their attack was made ; to this occurrence, Colonel Scott attributed the renewal of the depredations along the Frontier, and which eventually gave occasion for the attack which was made in November 1823 upon the Tribe to whom these depredations were principally ascribed, and the recapture from them of a considerable quantity of Cattle. Since this event the depredations of the Caffres have much abated, altho' thefts of Cattle have been occasionally committed.

The maintenance of the system of defence by Patroles and Detachments as established by Lord Charles Somerset, has unavoidably required great and incessant exertions on the part of the Troops ; and from the reduction of the Force it has been rendered even more harassing to them. During the years 1819 and 1820, the Force maintained upon the Frontier amounted to 2,000 Men, and has latterly not exceeded one half of that number, including the European Troops and natives of the Cape Corps. It is admitted that this system has proved very destructive to the health of the Men from the effects of labour and fatigue and of constant exposure to the Sun and Night Winds. The fitness of the Hottentots for this harassing Service has been proved from their habit of penetrating the Thicket, and by the remarkable facility with which they pursue the tracks of the Caffres who may have committed thefts of Cattle till they have traced them to the Kraal of the Tribe by whom they have been received or harboured. The active exertions that have been made to maintain the efficiency of this system of defence have no doubt operated during the last year as a salutary check upon the Caffres, and secured the Inhabitants upon the Frontier from the frequency of those depredations that had formerly rendered their tenure so precarious ; but however well calculated to effect this important object, it must be obvious from past experience that the maintenance of a system that depends for its efficiency upon such severe and unremitted exertions of the Troops, must require either an increase of the Force or a frequent relief of

it, as any relaxation must tend to a renewal of the disorders which are thus coercively repressed.

The attempt to establish tranquillity upon the Frontier by compelling the Caffres to retire has been proved to have been unsuccessful, while it has entailed expences upon the Government and sacrifices upon the People, which have in no degree been compensated by the acquirement of the territory which was the object of it, and which has at length been partially settled by the British Emigrants; and there is much reason to conclude, that if the prudent measures that were taken to settle the Hottentot Tribes in the Uitenhage District under the first British Administration had been extended to the Settlement of the Caffres in the Zuurveld, the allegiance of a useful body of men might have been acquired to the Colony instead of entailing a series of destructive Wars, undertaken for their expulsion, and continued with the object of establishing the supremacy of a Rival Chief who was a principal Sufferer from the collisions that ensued. It has at length been found expedient to abandon this policy and to recognize the responsibility of each Chief for the conduct of his adherents. We are disposed to concur in the expediency of a system which relieves the Government from the necessity of interposing in the internal disputes and dissensions of the Tribes; and the appointment of Missionary Agents to reside with them has been calculated to improve the pacific relations that have been generally established. The number of Caffres and Ghonaquas residing with the two Institutions amounted to four hundred and forty five at the end of the last year.

In the consideration of the means of civilizing the Caffres, and of permanently establishing the tranquillity of the Border, we are led to notice the great success that has attended the recent establishment of Fairs at Fort Willshire situated on the boundary of the neutral territory.

Previous to the disturbances in 1818, the Chief Gaika had been privileged to send his agents to Graham's Town for the purposes of Barter, and instructions were given to the Missionary Agent to ascertain the means of establishing a more extended intercourse. In 1821 Fairs were appointed to be held, at which the Caffres were allowed to obtain the articles they required in exchange for Cattle and other produce of their

Country. The admission of the Caffres within the boundary and the indulgence of allowing them to hunt in the Forests on the Banks of the Fish River, appears to have given alarm to the Settlers who had property in the neighbourhood, and these Fairs were subsequently discontinued.

In November 1823 a Proclamation was issued, prohibiting under the severest penalties, all intercourse with the Caffres, on the ground that the illegal traffic carried on by the Settlers had been the cause of the recent depredations. These rigorous restrictions being strongly opposed to the interests of all parties continued however to be violated both by the Settlers and the Caffres ; and it was not till the month of July 1824 that Fairs were re-established ; licensed dealers were allowed to barter with the Caffres under a temporary restriction upon the purchase of cattle, and the sale of Spirits, Arms and Gunpowder. The restriction upon the purchase of Cattle was imposed with the object of checking the improvidence of the Caffres in disposing of their means of subsistence ; but their exchange of Hides, Gum, and Ivory, has stimulated their industry to procure these commodities, and has led to a barter between them and the more distant tribes upon the confines of Caffraria. The quantity of Ivory alone that is stated to have been purchased by the Colonists has amounted in Seven Months to 50,441 Pounds ; and it is estimated that 16,800 Pounds of Gum and 15,000 Hides were purchased in the first Five Months. The articles in greatest request with the Caffres are Coloured Beads and Buttons, especially the former, which are employed by them as a medium of circulation, and as they have hitherto been scarce and are also exchangeable with the more distant tribes for the articles in demand in the Colony, some time will elapse before they will have acquired a sufficient quantity to enable them to appreciate the intrinsic value of such articles ; in the mean time the high prices which the licensed dealers have paid to the Merchants for them have reduced the profits of their Barter, altho' the valuable commodities received from the Caffres have been sold to the Merchants at rates that have raised considerable competition with the Dealers. From the 5th August 1824 to the 12th March 1825 one hundred and seventy four Licences were issued : and with few exceptions they were taken out by the English

Settlers. The Missionary Agents have also effected their purchases, and paid their Labourers by means of Beads, and have thus possessed a considerable command over the labour and property of the Caffres. The Government Agent has recommended the introduction of English Copper Coins as a medium of Exchange between the Colonists and the Caffres.

On a deliberate review of the policy and proceedings of the Colonial Government in relation to the Caffre Tribes, we are of opinion that the depredations committed upon the English Settlers have been more the result of the imperfect success that attended the measures on which the Government relied for securing the permanent tranquillity of the Frontier, than of any neglect of those measures subsequent to the arrival of the Settlers.

The presence of a Military Force afforded a general protection against any hostile designs of the Chiefs which might have led to the renewal of the former destructive inroads; and the occasional thefts committed upon the Cattle of the Settlers had at no antecedent period been wholly repressed, notwithstanding the vigilance and exertion of the Troops.

As the Scotch Settlers at the Baviaans River had succeeded in preserving their Cattle altho' exposed to the predatory attempts of the Caffres, it is reasonable to conclude that the losses of the Albany Settlers were in some degree ascribable to their negligence in the care of Cattle, and to their want of Servants to herd them.

Altho' the salutary effects of enforcing the system of defence established by Lord Charles Somerset have been recently experienced, we must ascribe the tranquillity that prevails on the Frontier in a still greater degree to the intercourse that has ensued from the recent establishment of Fairs; and it is much to be regretted that a measure so well calculated gradually to supersede the necessity of coercive measures and thereby reduce the expense of maintaining a large Military Force should not have been earlier effected, by which the benefits that have resulted to all parties would at the same time have been attained.

Altho' the final abandonment of the Settlement of Fredericksburg was the immediate consequence of the Troops (*sic*) stationed for its protection, the dissatisfaction that led to the

dissolution of the parties had existed previous to the return of Lord Charles Somerset to the Colony. Considerable progress had been made during the first three months after its establishment, but in consequence of the general reduction of the African Corps, and the advantageous employment that the Soldiers readily obtained in the Frontier Districts, much discontent was excited in those who had previously entered into engagements with the Officers who settled on the Beka; a disposition to recede from their engagements accordingly prevailed with the servants, and numerous desertions took place, while those who adhered to their locations were discouraged.

The Officers complained that the Lands had not been measured pursuant to the original Agreement, and that the allotment of them had in consequence been postponed till the Season for cultivation had passed and their resources were considerably impaired.

The eventual dispersion of these Parties upon extensive allotments of Land must have tended to diminish their utility as a defence to the Settlements in Albany, while the opportunities of trafficking with the Caffres might have been prejudicial to the peace of the Frontier from the temptation to infringe the Regulations by which it had been deemed expedient to restrict that traffic. It was admitted by the Officers that the restriction in question had been transgressed in some instances by men who had obtained allotments at Fredericksburg; and that the presence of the Guard was required as a restraint upon them.

Altho' the Settlement did not cover that part of the Frontier which was most exposed to depredation, it might nevertheless in a collective form have proved a serviceable check upon the Caffres during any general incursion.

The recent reduction of the Albany Levy may have superseded the necessity of entering at any length into the circumstances that led to its formation.

In a Proclamation that was issued by Lord Charles Somerset in October 1822, it was directed that in accordance with the ancient Law and Usage of the Colony, the enrolling of the Inhabitants in Commandos, and in consideration of the exposed situation of the Albany District, a Selection of Six

hundred of the British Settlers should be made for the purpose of being formed and disciplined in six Divisions, with the view of enabling the Landdrost to avail himself of their aid in the most efficient manner. The Divisions were directed to assemble every fortnight, and monthly Musters were appointed for the whole Levy, at which the armed Settlers were enjoined to attend under a penalty of fifty Rixdollars, or one month's imprisonment. The Oath of Allegiance was required to be taken, to which was added an engagement to serve on all Commandos called out by the Magistrate. Objections were made by the Settlers to taking this Oath, by which they considered that they would render themselves amenable to Military Law ; and a Memorial was addressed by them to the Governor upon the subject. In the reply of Lord Charles Somerset it was explained that they were enrolled pursuant to the ancient Law of the Colony. The Oath would appear to have been taken from the 43rd Act, George 3rd, Cap. 96 for embodying the Yeomanry and Volunteers in Great Britain ; but as the Settlers were bound to serve in Commandos, the obligation they were required to contract was not discretionary.

Several Individuals had meanwhile been prosecuted before the District Court ; but on subsequently taking the Oath the penalties were ordered to be remitted. According to the Colonial Law every Burgher who has attained the age of 16 years is obliged to enrol himself, and is liable to be called to serve in Commandos ; but in the Instructions that were given to the Commandant on the Frontier, it was explained that the Levy was not required to be detached from their homes, but were to constitute a defensive force in the event of the employment of the Regular Troops beyond the Frontier.

The assembly of the Settlers with a view to their formation and discipline may have been attended with some inconvenience to them from the helpless situation in which many of their Families were left, but at the period of our arrival in the Colony, the Landdrost, who had been appointed the Commandant, had ceased to require their attendance at the places of muster, nor had they been subsequently called together, till on the appointment of a new magistrate to the District in the present year, the Levy was finally disbanded by Proclamation.

As the object of this Enrolment was to unite the Settlers for

the purpose of defending themselves in the event of any desultory incursions of the Caffres, we do not conceive that any necessity existed for their regular formation in Troops and Companies, although the distribution of Arms and Ammunition, and some practice in the use of them was calculated to give them confidence on their locations.

We concur in the view taken by the Governor of the obligation of the Settlers under the Colonial Law to serve in Commandos if required, and also in the inexpediency of detaching them from their families, who would thus have been left without protection in an exposed part of the Country ; but we are not aware that any circumstance had arisen at the particular period that was chosen for reducing the Establishment, that might not equally have suggested the measure in the preceding year, in which the District had been free from any apprehension of inroad from the Caffres.

The present circumstances of the District of Albany, and the alteration that has taken place in the feelings of the Settlers, render it equally unnecessary that we should detain Your Lordship with any detailed consideration of the complaints that have been made of the obstructions that were opposed to their meeting with the object of forming resolutions, and addressing remonstrances to the general or local Authorities.

Some measures that had been adopted on the return of Lord Charles Somerset to the Colony in 1822, had given much dissatisfaction to the Emigrants ; and the appointment made by His Lordship of a Magistrate for the new District was extremely unpopular. Much delay occurred in obtaining answers to the Memorials that were presented, and a general distrust prevailed amongst the English Settlers of the nature of the communications made by the Landdrost to the Governor. We find that this correspondence was generally of a private nature, and did not pass through the ordinary Channel of the Colonial Office.

In these circumstances it was proposed by some of the principal Settlers to call a meeting, the object of which they allege to have been to prepare a Statement of their grievances for submission to the Governor. There was an obvious irregularity in the attempt to convene this Meeting without the consent of the Landdrost ; and in the Proclamation that

was issued on this occasion, the interference of the Magistrate who prevented the Meeting was accordingly approved.

In the animadversions that were passed upon the conduct of Individuals who had promoted a belief that the Governor was not duly informed of the Complaints of the Settlers, we cannot so readily concur; as the numerous and injurious delays to which the Settlers were at that time exposed, did eventually render necessary the appointment of a Commissioner for the special investigation of their claims, and may justly be considered to have retarded the progress of the Settlement.

The measures that were carried into effect by Lord Charles Somerset during his late visit to the Albany District, having given general satisfaction to the Settlers by removing the principal sources of their former discontent, we cannot doubt that His Excellency is now fully sensible that the Settlers were actuated in their complaints by no factious or disloyal motives, whatever feelings may have been excited in the majority of them by the neglect of their interests on the part of the Landdrost, upon whom the Governor had principally relied for information respecting them.

The recent reduction of the Establishment of a Government Farm upon the Frontier, has removed the apprehension entertained by the Settlers of the competition of its produce with their own. The Farm had been subject to the same losses that the Settlers had sustained from the visitation of the "Rust" in the Corn; and the Superintendent had been actively employed in purveying for the Commissariat, by purchasing Supplies throughout the Frontier Provinces. It was chiefly in this manner that the Troops and the Settlers had been rationed, altho' the Accounts were kept in the name of the Somerset Farm. As the resources of the Settlers increased, it was reasonable to conclude that the effect of this competition would be injurious to them; and the reduction of the Establishment may therefore be considered to have been judicious.

The Contracts for the supply of Meat for the European Troops at Graham's Town have been in the hands of English Settlers during the last year.

We had occasion in a late Report to bring under the consideration of Your Lordship the important advantages that would result to the new Settlements from opening the minor

Ports upon the Coast. The expences that have accumulated upon all the supplies that have been obtained from Cape Town have been considerably enhanced by the double freight, and have constituted a serious augmentation to the cost of every imported article.

The Privilege accorded to the Settlers of importing their Supplies directly from Europe, and from Eastern Ports, and of exporting their own produce, would afford a most salutary relief to all Classes, and would directly tend to hasten the progress of the new Settlements. We have &c.

(Signed) - JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[The Annexures to this Report are so voluminous as to fill nearly the whole of two large manuscript volumes. All of them, however, with the exception of those that follow, which I have numbered differently, have already been printed.—
G. M. T.]

[Enclosure 1 in the above.]

*Proclamation by HIS EXCELLENCY HENRY SWELLENGREBEL,
Governor of the United Netherlands East India Company,
and Council at the Cape of Good Hope, and the dependencies
thereof.*

Whereas it has been found by experience that the Signals established and fixed by Proclamation of the 2nd December 1734 summoning all inhabitants of the Country Districts to repair to Town in cases of necessity does not answer the expected intentions, as the Signal Guns fired from the places fixed by said Proclamation cannot be heard in the remote Districts, and consequently no dependence can be placed thereon, which on that account as well as of the deplorable state of affairs in Europe require the necessary Provisions to be made in time ; so that the Inhabitants and their Servants may as speedily as possible repair to Town in cases of attack from the Enemy or otherwise in order to assist in resisting the Enemy with force and Vigor, so is it that we having consulted the Officers of the Militia of Cape Town and the Stellenbosch and Drakenstein Districts, repealing by these presents the aforesaid Proclama-

tion, have thought fit for the Service of the Company and the general Good to order and direct accordingly that all and every Inhabitant of the Cape and Country Districts, together with the Company's Servants in their employ immediately after they receive directions to that effect from the Landdrost or their commanding or Subaltern Officers, Field Corporals and others, shall have to repair to Town without delay provided with their Uniforms and Firearms, and assemble behind the Castle, where they being safe from the fire of the Enemy's Ships, are to wait the Orders of His Excellency the Governor or the Officer commanding in the Castle or on the Sea Coast.

And in order to facilitate this measure, the persons who are the first ordered to repair to Town, as also those who may otherwise have obtained information thereof shall be obliged to give immediate notice to their Neighbours and others of the general Summons, or the presumption of the appearance of the Enemy, in order that every one without distinction or hindrance may come to Town without waiting any commands to that effect, or to detain themselves longer than absolutely necessary ; all persons therefore without exception, shall on hearing a Gun or seeing the Dutch Colours hoisted at the Flag Staff erected on the Platte Kloof Hill, which will not only denote a general Summons for all Persons residing in the Interior of this Colony to proceed to Town as soon as possible and to assemble at the appointed spot behind the Castle, but also to inform others thereof, and to advise them to do the same.

And whereas in case of an unhopd for attack from the Enemy a great number of Slaves will be required to be employed as the case may require, it is hereby further ordered and directed to the persons thus proceeding to Town, to bring with them as many of their Slaves as they may consider necessary, and which can be spared from the number of those not necessarily occupied.

All Persons therefore knowing how to conduct themselves in the aforesaid Cases, without that any plea whatever will be accepted for their remaining at home, who shall not punctually observe and obey these our orders and Commands will be punished as perjurers and traitors with Death without any Mercy or distinction of Persons ; but in the expectation that

those Inhabitants in compliance with their Oath of Allegiance will refrain from such treacherous Conduct, as the safety of this Colony and the resisting of the Enemy greatly depends upon their faithful behaviour, as also the security of their lives and Property and that of their Religion and Families, for which all Nations and especially our Ancestors, have sacrificed their lives and property, and which being also done here, will deserve the Blessings of Providence, which beyond all human comprehension, has so often saved our Country from all visitations and plunder from the Enemy.

And in order that none may plead ignorance hereof, we further order and direct that this our Proclamation shall be published and affixed in the usual manner ; and we deem it necessary and expedient for the interest of the Company and for the good of this Government.

Given in the Castle of Good Hope the 21st March 1741, and proclaimed the same day.

(Signed) HK. SWELLENGREBEL.

(In Margin) The Company's Seal in Red Sealing Wax (and underneath)

By Command of His Excellency the Governor and Council.

(Signed) F. DE GRANDPRÉ, Member and Secretary.

[Enclosure 2 in the above.]

Extract from a letter addressed by CAPTAIN J. C. SMYTH, Aide-de-Camp to the LIEUTENANT GOVERNOR MAJOR GENERAL DUNDAS, to MR. MAYNIER at Graaff Reinet.

CAPE TOWN, 8th July 1801.

The Lieutenant Governor is extremely sorry to hear of the late conduct of Rensburg, as mentioned in your letter of the 29th April to the former Governor ; but should your endeavours to convince him of his errors unfortunately prove fruitless, I am directed to request you will inform him that the general tranquillity of the Colony cannot by any means be sacrificed to his prejudices and passions respecting the Caffres ; and His

Honor leaves it to your discretion to take such measures as may be necessary to make him depart from the district of Graaff Reinet as soon as his longer stay in the neighbourhood of the Caffres may appear to be incompatible with the public tranquillity, as Government has resolved to follow as far as possible the wise and wholesome system of pacific measures for the treatment of those Savages, which the people of the Colony are now convinced have so efficaciously restored the general tranquillity.

The Lieutenant Governor being satisfied as to your accurate knowledge of Buys and of the other irregular and turbulent spirits of the district, does not conceive it necessary to say anything respecting the line of conduct to be observed towards them, as His Honor leaves it entirely to your judgment and discretion, but he requests to hear from you on all such occasions of consequence as may seem to you to merit His Honor's attention. Every day appears to confirm more and more the correctness of your opinion regarding the peaceable inclinations of the Caffres, of which the conduct of Congo in restoring the Cattle of Van Rooyen affords a clear proof.

[Enclosure 3 in the above.]

SUNDAY'S RIVER, 22nd May 1803.

J. W. JANSSENS, *Governor and General of the Cape of Good Hope, to the COMMANDANT GENERAL BOTHA and the other Commandants in the Camp at the Sunday's River.*

COMMANDANTS,—We unanimously think about the desirableness of general quiet, and how much is contributed thereto through lasting peace, but even if this is to be procured on reasonable terms, there still remains one difficulty ; I will only mention one. Many Burghers have experienced great losses in Oxen, Cows, Horses, Sheep and many other things, wherein the welfare of this colony consists ; it will not be possible to make good these losses ; it must be recovered in time by diligence, peace, frugality and labour ; and I do not despair that the well known liberality of the Dutch South Africans, who have not, or have very little suffered, will gather together

something to assist those who are in almost total poverty ; perhaps the Government will by some means give assistance, yet these joined together will only make good a small portion of the losses sustained. Many people, as it appears to me, expect that by some arrangements with the Caffres much of the stolen cattle will be returned. I do wish it with all my heart, but I may not flatter myself with or depend upon it. I wish that the South Africans would clearly comprehend the following, and they should feel more fully the necessity of Peace. It is a great difference if people lose their goods by theft or by the fate of war ; in the first case we have them returned if they can be found, but not, or very rarely in the latter ; and hoping by an amicable agreement or by the fate of war, and which has happened from the longest known times, we have yet in the midst of desolation established a sort of claim. Thus we consider what we gain from our enemies in battle as a prize and the lawful property of the conqueror ; and whereas by the surrender of the Cape in the year 1795, the Magazines, Slaves, Oxen, and everything which belonged to the Government have fallen into the hands of the English, yet by the return of the Cape, the lands and buildings have been given back, but not the before mentioned, and everything we have of it has been purchased from the English ; thus it is with the Cattle of the Colonists, we may desire and do our best to recover some of it, but we cannot say *you must return it*, for on a refusal nothing follows but the commencement of war and then there is a chance on the one side to recover some by conquest, yet on the other side we are in danger to lose that which we have tried to keep, and we will never come to the end of devastations.

These remarks I have thought proper to make to you with the request to acquaint the other Burghers therewith, in order that they do not, through some misunderstanding, to their own and their country's misfortune, make a right of an unsupported claim. I remain &c.

(Signed) J. W. JANSSENS.

A true Translation.

(Signed) H. F. HÖHNE, Sworn Translator.

[Enclosure 4 in the above.]

SUNDAY'S RIVER, 22nd May 1803.

To the Governor General in Chief J. W. Janssens.

Convinced as we are that you protect and guard, as a father, the possessions in South Africa, we are not the less obliged to unite our exertions and endeavours with yours, we have confidence no doubt and will not deviate from the expectation, namely, that we shall repossess the Lands taken from us by the Wild nation, to the limits of the Great Fish river as formerly; what relates to the cattle, we will satisfy ourselves thus far with a secure peace; when we cannot effect this, we will be contented if the Horses, Slaves, and Fire Arms are returned.

You have all good intentions towards the Wild nation and to our peace; yet their victory must always be considered as a robbery, effected in a weak way, and which we are still strong enough to regain with Sword in hand, and to procure a peace which will for many years insure Security to the Government. It cannot however be effected in any other way than with the assistance of powder and ball, and to oblige our fellow citizens to arm themselves in order that an end may be seen to our cares and misfortunes. We desire an unanimous peace, but not with the loss of an Inch of ground; on these terms we shall obey you.

Your humble Servants,

(Signed)	P. R. BOTHA	} Commandants.
	P. H. VAN ROOYEN	
	JACOBUS LINDE	
	P. J. HUMAN	

A true Translation.

(Signed) H. F. HÖHNE, Sworn Translator.

[Enclosure 5 in the above.]

Order by GOVERNOR JANSSENS.

SOUTH AFRICA,

ALGOA BAY, FORT FREDERICK, *1st June* 1803.

J. W. Janssens, Governor and General in Chief of the Cape of Good Hope and the Dependencies thereof,

Having taken into consideration that the Employing of Caffres in the service of the Inhabitants of this Colony may give occasion to disputes with Individuals of that Nation, and even lead to general quarrels, and

Further considering that the knowledge which the Caffres obtain through being in the Service of the Inhabitants, as well of the Country as of the Roads, places and language of the Colony, render them still more dangerous in case of a rupture or war,

Resolved :

1st. To interdict all the inhabitants of this Colony, and they are hereby forbidden accordingly, to receive into their service any person of whatsoever age or tribe belonging to the Caffre Nation, directing those who may actually have such in their service to discharge them immediately on becoming acquainted with this resolution, while the Inhabitants who have Caffres in their service are to provide them with the necessary means to enable them to return to their country.

2nd. The Inhabitants who may have any Children belonging to the Caffre Nation, whether taken in war or otherwise, shall send them back within the shortest possible time to the kraals and families to which they belong.

3rd. This resolution shall be absolutely imperative on the Inhabitants of this Colony till the pleasure of the Commissary General shall be known, and further dispositions made with regard to the relations between the Caffres and the Colonists after the return of the Governor to Cape Town.

Extracts hereof shall be forwarded to the Landdrosts of Zwelldam and Stellenbosch with orders to give information hereof, where and to whom it may be necessary. A like Extract to be sent to Major Von Gilten Commanding at Algoa Bay, for the purpose of being communicated to the Field Cornet of the District, in order to its being promptly executed,

which the Governor will do likewise to the Field Cornets whom he may meet on his journey in the District of Graaff Reinet or wherever he may have an opportunity of sending it to them.

(Signed) J. W. JANSSENS.

Ampliation.

From the Caffres who are voluntarily in the Service of the Inhabitants and who are immediately to be discharged conformably to the first Article shall be provisionally excluded till further orders, all those who have lived upwards of a Year with the Burghers in whose actual Service they are, and who may wish still to continue with them, but none of the other Inhabitants shall relieve them or retain the Caffres they have against their inclination.

This exception does not include the Children of Caffres who have been taken in War or otherwise, those shall be immediately returned as the resolution dictates to their families even should these Children not chuse to do so.

(Signed) J. W. JANSSENS.

A true Translation.

(Signed) HENRY MURPHY, Sworn Translator.

[Enclosure 6 in the above.]

Extract from the Cape Town Gazette of Saturday, 18th June 1803.

Letters dated the 31st of May last, received the day before yesterday from Algoa Bay have brought the Commissary General the pleasing intelligence that the Governor and General in Chief J. W. Janssens with his suite were in perfect health. That Gaika the king of the Caffre Nation was at war with the chiefs or captains of the Caffres at this side of the Fish River, who had revolted from him, whereby the latter were fearful of recrossing the river, which otherwise they were obliged and ready to do conformably to the conditions of the last peace.

That king Gaika had expressed a desire to the Governor to hold a verbal conference with him, and that a day and place had been already appointed for the purpose.

That in the mean time the above-mentioned Caffre chiefs were willing to preserve peace and had promised not to commit any hostilities, and even to punish with death, and extirpate the families of any of their people who should disturb or plunder the Cape Inhabitants.

That the conduct of the Detachment which was in good health at Fort Frederik was above all praise.

That the general wish of the Inhabitants was, that the anarchy which had so long prevailed in those unhappy districts should at last cease, and be succeeded by an equitable, but efficacious Government.

That the Governor although unwilling to adopt any strong measures, was however, after long and mature deliberation, obliged for the preservation of tranquillity and order, and provisionally by way of a political precaution, to cause Thomas Ignatius Ferreira Senior with his family to leave those quarters, and to order him to take up his abode in the neighbourhood of the Drostdy of Zwellendam till further disposition, and Jan Arend Rens to repair under Stellenbosch till further orders.

The good Inhabitants of this Colony must applaud this paternal measure of the Governor, and see therefrom that it is the serious intention of Government to cause order and law to revive here: to protect the good, and to prevent the evil disposed from kindling further disturbances. Policy and Justice will combine their endeavours hereto, and the severity of the laws shall pronounce against those for whom mild admonitions may be found to prove fruitless.

A true translation.

(Signed) HENRY MURPHY, Sworn Translator.

[Enclosure 7 in the above.]

SOUTH AFRICA, CAFFRARIA,
IN THE CAMP AT THE KONAP RIVER,
25th of June 1803.

J. W. Janssens, Governor and General of the Cape of Good Hope and the dependencies thereof, to the Field Commandant P. H. van Rooyen.

COMMANDANT,—As we are to separate, on account of the different routes we are to take homewards, I cannot refrain

from expressing to you, by letter, my thanks for the good services rendered by you to me on this land Expedition. I have reason to be particularly satisfied at your good behaviour, since I had the pleasure of your acquaintance and all your advices and actions have appeared to me that of an honest man who loves his country and his duties.

If it lie in my power to give you any proofs of my esteem I will not neglect it.

The young men who have composed your Commando and whose behaviour has also been exemplary, I request you will thank them in my name.

With sentiments of esteem and affection, I remain &c.

(Signed) J. W. JANSSENS.

A true translation.

(Signed) H. F. HÖHNE, Sworn Translator.

[Enclosure 8 in the above.]

Extract from the Regulations for the organization and discipline of the Burgher Militia promulgated the 15th October 1803.

Art. 3. Each Burgher of the Colony as soon as he shall have attained the age of 16 years shall be obliged to cause himself to be enrolled on the List of the armed Burgher Militia of the District to which he belongs.

A true Extract translated from the Dutch.

(Signed) J. J. F. ROSELT, Sworn Translator.

[Enclosure 9 in the above.]

Extracts from a Letter of COLONEL J. G. CUYLER to the COLONIAL SECRETARY.

UITENHAGE, 7th June 1810.

The Kaffers who were killed as stated in the last return, ending with Ultimo March, were all I have reason to think killed in the act of stealing, and the Hottentots and Slaves killed during said period were murdered by the roving Kaffers ;

they were Herds, who the Kaffers are very apt to despatch, in order to enable them to take off the cattle herded by these poor wretches, the more easy. The Boers assist in herding their own Cattle, that is those who have no Hottentots or Slaves remain constantly with their Flock during the whole day, and those whose circumstances allow them to have Hottentots and Slaves visit their flocks two or three times a day. The Kaffers are so cunning in secreting themselves whilst in the reach of a Boer, that they seldom attempt anything, but the moment he has rode off a few hundred yards, they then dash out from behind a Hill, a Bush, or a Stone, and dispatch the poor Herd, who altho' he may be armed, and it sometimes happens that even two Herds with the same Flock, both armed, are known to fall to the agility and boldness of three or four Kaffers armed with assagays.

Many of the Boers I believe are short of ammunition, and many I think make complaints of the want of it who really are not so, perhaps it may be an excuse to turn out on a patrol, or to go with the Veld Cornet in search of stolen cattle &c. I conceive it would be a wise plan at the present crisis to have a supply at each Drostdy on the Frontier of Powder, Lead and Flints, where the Inhabitants might supply themselves and pay Government the cost, this would do away many of the complaints and excuses now prevailing. Cartridges would be rather deficient to supply them with, on account of the enormous size of the bullets they use, and few of their firelocks having the same calibre.

Here each Farmer possessing from 2 to 5000 sheep and from 1 to 200 Head of horned Cattle, must have a very extensive range to feed his flock. The Settlers cannot live much nearer than the extent of a Loan place, on that account the only part of this District where people could support themselves by agriculture is the Zuureveld, at present occupied by the intruding Kaffers, the rest of the Country being in general too dry, and here, it may be said, allowing the Zuureveld to be reoccupied by the present class of Boers of the Colony and they to turn their attention to agriculture solely, what can they do with their produce, say of corn and wine; to ride it to Cape Town, it would not pay the expences, and short of Cape Town, at present, they could not dispose of it, there being no

market in this neighbourhood, except for the supply to the few Troops now here. The present Inhabitants of this district cannot, I fear, be brought to give up their idle mode of living as herdsmen for some time, and then not without a successful and powerful example shown to them by others. If perhaps the farmers from Stellenbosch, and that part of Tulbagh and Zwellendam nearest to the Capital, were to be encouraged to settle in the Zuureveld, where they might follow up, and improve their present mode of growing corn and wine, by the advantage of a more rich and productive soil, aided by a moister climate, but to encourage them, there should be a new Drostdy established in Zuureveld, and where I have no doubt there are situations that would answer in point of good water and proximity to the coast, where a landing place it is likely could be established, or otherwise encouragement given to some adventurous merchant to establish himself at Algoa Bay, or the mouth of Swartkops River. The present Boers from their proneness to idleness, and from the easy way in which they have acquired their numerous flocks, their only property, would I am almost convinced from the manner the Kaffers have carried on these last few years, without being permitted to retaliate, rather undergo a privation of their whole stock by orders of Government, than be obliged to continue watching their own flocks, and to be subject to be commanded on patrols, or other duties to defend themselves and neighbours, as they clearly see from the present system they will be ruined in the end in point of property and the hazard their own lives and that of their families are exposed to.

The proposal I long since made to Government to be allowed to show a force of 7 or 800 Inhabitants in front of each intruding Chief's Kraal, and desire them to remove over the Great Fish River, driving the Cattle out before them, without allowing a hair of one of their heads to be touched, would in my opinion still rid us of those troublesome intruders, with little if any loss of lives on either side, and this could be effected by Mr. Stockenstrom and myself with very little military aid, provided we were permitted to call in the Inhabitants from the interior Drostdies, leaving the greater part of our own Settlers in the places as a rear guard to protect the Settlement and to be called, in case of wanting more assistance. Two or three field

pieces with 100 Regular Infantry and 100 more of the Cape Regiment with the present force here, such an attempt might be made, altho' upon this a question will naturally arise, allowing the Kaffers to have been driven over the Colonial bounds, even without a shot being fired, and the Zuureveld still remaining uninhabited, it may be said they will again intrude. Granted they do, occasionally, but they may be prevented from forming any regular Establishment or Kraals, by assembling a Commando of Boers, and driving them away as often as they may attempt to re-establish themselves.

I agree with you that the future grants, particularly in the Zuureveld, should be limited one fourth or not exceeding one half of the extent of a present Loan place. There is no judging from the little news I can collect here, whether a peace is likely shortly to take place, but if there was, of course a great reduction would take place in our second Battalions and young Regiments.

If two or four Regiments were sent here and disbanded, and the officers and soldiers to get grants of Land in the Zuureveld, and to be furnished by Government with one or two years provisions and implements of Husbandry, with seeds of all sorts &c. Let the first grants form a range along the Fish River, which would form a barrier, and which in all probability if two or three years settled, defy the Kaffers from any attempt to intrude afterwards. The plan was adopted by our Government, after the conclusion of the American War. Upper Canada and part of Nova Scotia was settled in this way. These Settlers have not only improved the Country, but were always ready, and have since embodied in provincial Corps to defend themselves and the Country. The first Settlers along the River St. Lawrence in the old French time were something in this way. I have been informed Regiments were sent out from France, and after being accustomed to the Climate in a few years Service were disbanded and seigniories of three Leagues square were granted to the Colonel of each Regiment, and this Tract was subdivided in small farm Lots of between 80 or 90 acres, each Soldier got a Lot for which he paid a very small annual Rent, merely an acknowledgement to his Seignior, and these Lands are to this day held on the old Feudal system.

The Kaffers certainly defend themselves or at least their

Kraals are defended by 20 or 30 men, and much oftener far greater numbers are to be seen at a Kraal, but this mode of life if adopted by the Boers would not tend to civilize them, they would have constantly to live in that way, and by following it would not in a series of years be further advanced in point of civilization than what they are at this day. Example, the only means I have ever found of working on illiterate minds, must be shewn them, and who is to shew this example, unless Government take it in hand, and plant some Europeans among them, not such Europeans as the first Settlers of this Country were, Deserters or Runaway Sailors, people of desperate means and bad conduct, who to acquire property, no doubt cheated the original native of his cattle.

Much no doubt is expected from the Landdrost, but when his powers are considered, the manner in which he is limited, not much is left to his discretion, he cannot drive the Kaffers away by words, nor can he make the Inhabitants protect or guard themselves more effectually than is done against the repeated robberies and murders. I have before stated the Boers cannot easily be brought to live close together, their numerous Flocks cannot be supported, the generality of the present occupied Frontier will not afford them any other means of support than what they must and can obtain in Breeding Cattle.

[Enclosure 10 in the above.]

Letter from LIEUTENANT COLONEL GRAHAM *to* LIEUTENANT COLONEL REYNALL.

UITENHAGE, 21st November 1811.

SIR,—From every information I have been able to obtain it appears to be the general idea that, in the event of its being found necessary to employ forcible measures for the purpose of expelling the Kaffers from His Majesty's Territories, these Savages will endeavour to penetrate thro' the immense extent of woody Country to the Rear of the Commando, in which should they unfortunately succeed, it may from experience be expected that they will, instigated by furious revenge, commit every act of barbarous cruelty which their unrestrained passions can suggest, and I am sorry to say that the part of the

Country viz. Zuure and Riet Mountains, where the great mass of the Kaffers at present are, together with the continuation of endless Forests upon the right Bank of Sunday's River is but too favorable for such an attempt.

The Country thro' which the Sunday River runs after passing the flat open part of Graaff Reinets and westward of Bruintjes Hoogte to nearly its mouth consists of irregular chains and masses of Hills, occasionally interrupted by small vallies, the whole covered with nearly one continued Forest, which with the exception of the few Roads that intersect it is almost impervious: completely so for men on horseback, tho' the Savages contrive to pass thro' it with wonderful celerity.

I have visited every part of the Country which I conceived necessary with a view of establishing a Chain of Military Posts which might serve as far as the disposable Force would allow the triple purpose of protecting the Farms of the Inhabitants from the attacks of the Kaffers, render assistance to each other, or support the main body of the Commando as circumstances might require. I have the honor to enclose herewith a detail of the disposition of the Troops under my command, and by which you will perceive that I have judged it expedient to advance the Detachment of the Cape Regiment from Graaff Reinets to Bruintjes Hoogte, placing the whole of the Force which occupies that Division of this District under the immediate orders of Lieut. Col. Lyster, and augmenting it by a few cavalry and one company of the Cape Regiment stationed at Riet River, and forming the right of the chain of Posts under his command, the left of which commences at Bavians River, on the Borders of the Colony, and runs nearly west through the Hoogte. From Riet River a communication of the Chain runs in nearly a semi-circular direction to Algoa Bay. The Farms surrounding the latter place having also each a small Guard of the 83rd Regiment to protect them.

Exclusive of the Military which I have endeavoured to dispose of in the most advantageous manner which the smallness of their numbers and the great extent of country would admit of, I have considered it advisable to distribute a body of armed Inhabitants along the same line of Defence and at the places specified in the enclosed, with orders to keep constant

patroles and communication, from place to place, and pursue any Kaffers who may attempt to penetrate to their Rear.

If the different Landdrosts furnish the number of Inhabitants they have been directed to do, the Main Body of the Commando will consist of about 600 Men. Of these the following distribution has been made, viz. 3 Divisions of 200 each : The Right under the command of Major Cuyler is to cross the mouth of the Sunday River and proceed direct to the Kraal of Slambie on the Bosjesman's River. I here beg leave to remark that there is a more direct route to the Kraal of Slambie by the Pass of Ado, a Hill 40 or 50 miles from this, that Pass is however very narrow and steep a considerable length, and the Banks on each side so high and wooded as to render it very favorable for the Kaffers to impede the progress of the Division. By the Route the Right Division is to march, it will turn this position, while a company of the Cape Regiment and a Detachment of the Reserve Boors are to march by Ferreira's Ford direct upon it, clearing in their march the intermediate Country of any straggling Kaffers they may meet with, at the same time that they will be ready to support Major Cuyler's division if required and act as a Corps of observation upon the Kraal of Congo laying on the left Bank of Sunday River near the mouth, but from the circumstances of his being unable to move from sickness, hemmed in, and consequently unable to act, it has been thought expedient to permit him to remain unmolested until it shall have been discovered whether with the present means there is a possibility of driving the other Hordes out of the Colony.

The centre division, which I intend accompanying myself, is to assemble and march from the Roode Wal, about 40 miles from this and Twelve from the Kowran Ford of Sunday River, where it is to cross, and very near to which on the Riet and Zuure Bergs as abovementioned the greatest number of Caffres are, for which reason this division previous to its march is to be joined by 125 men from the Left, under Captain Fraser, Cape Regiment, the remainder of the left Division under Landdrost Stockenstrom are to assemble at the place of Van der Vyver on the Brakke River and from thence proceed towards the Zuureberg, conducting to the Eastward such small Kraals as at present appear to be on the north side of that mountain.

Exclusive of the Individuals who command divisions, I have attached to each of them intelligent officers of the Cape Regiment who are acquainted with the Language and manners of the Boers.

The latter are divided into Companies of 50 men each with proper Commanders and under them 2 Veld Cornets, each having 25 men under his immediate orders.

It is intended that the whole of the abovementioned moveable Force shall proceed towards and form a junction at Rautenbach's Ford on the Bosjesman's River, conducting with them such Kaffers with their Flocks as the Divisions may fall in with, respectively.

In allusion to the company of the Cape Regiment above stated as intended to form part of a Corps of Reserve, I have to regret being under the necessity of employing any part of the Military Force in the first instance, but to perform the Duty effectually I had no alternative left, and I am the more inclined to employ them on this occasion from the circumstance of its being pretty well ascertained that at present at least there are few if any Kaffers on the Route they are to take. From the circumstance of the Kaffers being so very unsettled, it is extremely difficult to obtain any information concerning them which can be depended on. I have endeavoured as much as possible to prevent them from knowing the extent of the preparations going forward, in the hope that the sudden appearance of so large a force may produce the desired effect without having recourse to coercive measures.

I have sent out several Spies, and shall defer closing this Letter until their return, particularly as I also hope by that time to notify the arrival of the Swellendam and Tulbagh Quota of Inhabitants and consequently of the probable day on which operations shall commence. I have also reason to suppose that in a day or two I may hear from Mr. Stockenstrom who, it having been previously concerted to inform Gaika of the determination of Government to make the Kaffers return to their own Country, volunteered his services to make the communication. I beg leave here to observe that there seems no sort of doubt of Gaika being as deeply concerned in the general system of plunder as any of the other Kaffer Chiefs. Of this however I expect hereafter to transmit ample Testimony.

November 23rd 1811. Last night 3 Hottentots returned from amongst the Kaffers, where I sent them with a few presents. I have the honor to enclose a statement of the information they bring. The conversation of Habanah, the only chief they saw, evidently tends to conciliation and an indication of concealed fear. From the circumstance of their women and children being with them they have not prepared for war. There seems to be every reason to hope that David Stuurman will return with his family, they are to be sent to him with a view to bring him out, as soon as the Divisions are ready to march, and the general idea appears to be that if he does, most of the other Hottentots who are now with the Kaffers will follow his example.

I beg leave to acquaint you that some of the armed Inhabitants from the District of Swellendam are just arrived, but I much regret being under the necessity of reporting that instead of the Number (200) directed to be sent, there are only 126 arrived, as will appear by enclosure, and I have most particularly to request that His Excellency the Governor may be pleased to cause orders to be sent to Mr. Buisinne to forward without loss of time the number of men required to complete the Quota, also that Men accustomed to this Service may as far as possible be selected. Only 5 of that description have by their own account arrived.

I conceive it to be of so much importance that as many men as can possibly be collected should be employed on this Service, that I shall dispatch this immediately, requesting you will be pleased to lay the above details before His Excellency the Governor, and humbly hoping that the arrangements which have been made may meet His approbation. I have &c.

(Signed) JOHN GRAHAM, Lieut. Colonel.

[Enclosure 11 in the above.]

Orders by LIEUTENANT COLONEL GRAHAM.

To effectually perform the important duties allotted to the Troops destined to protect the Families and property of the Inhabitants from the incursions of the Savage Hordes, the most unremitting Vigilance and Activity from all Ranks will

on every Occasion be required. It is not to be forgotten that exclusive of that insatiable desire of Plunder which marks the Character of the Kaffers (and which has caused the loss to the Colony for a lapse of Years of perhaps its most valuable appendages and the reduction to Poverty of many Opulent families) these Savages will in all probability, stimulated by a desire of revenging the losses they have lately sustained, use every endeavour to accomplish their wishes.

The plundering parties of these people seldom exceed 5 in number, afraid to shew themselves in open day the method they generally pursue is to conceal themselves in some Thicket or Wood, near to where they intend committing their depredations, and there often for days together wait the Opportunity of the Herd being off his guard, to probably murder him and drive off the Cattle he has in charge. The principal duty of the Troops will be to secure and patrol every Wood and Bush which might serve as a place of concealment, and every Path in the Neighbourhood of their Posts thro' which a Kaffer can approach.

Arduous as a faithful performance of this duty will at first be, there is little doubt that a continuation of it for a few months will induce the Savages to abandon all hopes of successful attempts to plunder without incurring a Danger which experience has shewn, they are not inclined to risk. A strong proof of which is, their not having dared to attack any of the Farms in which there was a Guard, during the period of open war being declared against them.

So much will depend upon locality and the occurrence of unforeseen circumstances, that it is impossible to specify in detail the exact duties that will become necessary for the different Ranks to perform, consequently much must be left to the judgement of Officers and Non-Commissioned Officers commanding Posts, and who will from time to time give such orders to the men under their charge as they conceive best calculated to meet the exigencies of the moment. The following Instructions are however to be strictly attended to, viz. :

1st. On a detachment reaching its place of destination the Officer commanding will without loss of time make himself and every one under him perfectly acquainted with, not only the Country in the immediate Vicinity of the Post, but

every part of it between him and the Stations next to him, as also in every other direction.

Each individual is to have a thorough knowledge of all Roads, Paths, Kloofs, Ravines, Woods, Rivers, Hills &c., so that in the darkest night he can if required find his way in all directions. It is to be remarked that in specifying Roads and Paths, those which are in common use are not only alluded to, as they of course are less frequented by straggling Kaffers, but chiefly out of the way paths, such as are made by Wild Animals through the Woods.

2nd. To guard against surprize is the first duty of every Individual stationed on an advanced Post, and as many of the Troops now serving here are total strangers to the Savages, it becomes necessary to apprize them that should the Kaffers succeed in an attempt to surprize any Post, Patrole or Orderly &c., experience has shewn that no mercy can be expected from that Sanguinary People. The Kaffers are extremely cunning, but have seldom or ever been known to make an attack in open day, except when tempted to do so by the imprudent conduct of the object of their vengeance in being off his Guard. Men going for Wood, Water, or any other purpose, when they are required to approach Wood, Bushes, or anything which could serve as a place of concealment, are invariably to carry their Arms with them.

3rd. Picquets in proportion to the strength of the Detachment and nature of the Post are to mount every evening at sunset, and invariably be ready to turn out in a moment.

4th. Nothing White is ever to appear upon any Man required to turn out in the night.

5th. If a Post is attacked, the Men are to turn out without noise or confusion and fall in regularly.

6th. No man to fire unless sure of his aim, and never more than one Rank or half the Party to be unloaded at once.

7th. Double sentries to be posted at night, according to the nature and situation of the Post, the Kraals and Houses. They are never to go so far from the Kraals or Houses as to admit of a possibility of being cut off unawares, and for the same reason not to approach any Bush-Wood, Bush or other place of cover, into which an enemy may have crept unperceived, and the Posts of all Sentries to be frequently changed.

8th. To guard against ambuscade, an Enemy is never to be pursued in the night, except in moonlight or when not near such places as afford concealment to a number of men.

9th. All Bushes and whatsoever else may be found in the immediate vicinity of a Post which may serve as a place of concealment is on the arrival of the detachment to be cleared away.

10th. Frequent Patrols are to be sent out from each Post, and the strength of the patrols must be guided by the nature of the country and numbers of the men at each Post.

11th. Patrols are to be perfectly silent and constantly bear in mind that every Bush may conceal an Enemy ; they are to conceal themselves as much as possible.

12th. Both by day and night Parties may occasionally conceal themselves at such places as are likely for Kaffers to pass, and on these occasions they are not to make Fires.

13th. Every man going away from his Post, were it only for a few hundred yards, is on all occasions to accustom himself to look on the ground for traces of Kaffers, a thorough knowledge of the traces of men and beasts will contribute infinitely to the easy performance of the duty, and must be studied by every individual ; that together with an acquaintance of the most likely Paths for Kaffers to drive Stolen Cattle by, will save much unnecessary trouble.

14th. When a fresh Kaffer trace is found near a Post notice is instantly to be given to the Officer commanding, who will cause it to be followed without loss of time. Should it appear to be a Trace of a Kaffer who had passed some time before, it need not be followed farther than is necessary to ascertain that he has quitted the neighbourhood of the Posts unless it should again appear fresh, when if there are any hopes of coming up with him he is to be pursued.

15th. On Traces being discovered going to the westward notice is to be given to the posts in that direction, also of such other Traces as Officers commanding Posts may think it necessary to make known to the detachments which are best situated to overtake or intercept the Kaffers who made them.

16th. On a Report being received at a Post of Traces being found, every exertion is immediately to be made with a view to overtake the Kaffers where they are.

17th. The men to get orders, that in the event of any of them going about without shoes they are to make a cross upon their own tracks, here and there in the soft ground, and which will be a signal to their companions of its being the track of a friend. The X to be occasionally changed, as it may be found out.

18th. For some time to come, or according as it may be ascertained whether any straggling Kaffers are within the limits, and the nature of the Country through which Orderly Dragoons may have to pass, an escort of such a number of Infantry as may appear necessary will accompany them as far as there is danger to be apprehended.

19th. All Officers, Non-Commissioned Officers and others are to consider the Families and property of the Inhabitants as under their protection, and every assistance must be given to prevent their Horses, Cattle, &c., being stolen. To this effect the Sentries from the Picquet will be posted and receive instructions, and when it is deemed necessary a few men may also be ordered to assist in guarding the Flocks by day ; much will depend upon the nature of the Country, the distance the cattle graze from the post, and the number of Herdsmen. In many situations no Day Guard will be required, but some time before the Cattle are driven home in the evening if there is any cover or place of concealment near to where they are or may have to pass on their way home, a few men are invariably to be sent to escort them safe to the Kraals ; this precaution is necessary from the circumstance of the Kaffers having repeatedly chosen the moment of the Flocks being on their way home in the evening to overpower and murder the Herds and drive off their charge, being thus favoured with the darkness of the night to escape with their booty.

20th. The foregoing article to be particularly attended to by the Posts along and in the vicinity of the Great Fish River.

21st. On its being ascertained that Cattle are stolen, immediate notice of the same is to be given from Post to Post towards the Frontier, and every endeavour used to recover them.

22nd. All Kaffers and their Followers seen within the limits to be considered as Enemies, and dealt with accordingly,

except such as from time to time may be sent with communications from their Chiefs. The only place at which such are permitted to pass at, is at William van Aard's Ford on Great Fish River.

23rd. All Kaffers, Runaway Hottentots, and Slaves taken Prisoners are to be well secured and forwarded from Post to Post to Uitenhage.

24th. All Hottentots and Slaves without passes found at a distance from a dwelling, and who cannot give the most satisfactory account of themselves, are to be dealt with as directed in the last article.

25th. All Hottentots and Slaves who have been residing among the Kaffers and wish to return to the Colony are also to be forwarded as above directed, but as some of these people may reach a post ostensibly with this view, but in reality as Spies, precautions will be taken to prevent the escape of such, tho' otherwise they are to be kindly treated.

26th. In the event of any of the Inhabitants evincing remissness or want of activity in adopting the most effective measures to guard their own Flocks, &c., as far as their own means will admit of, the Officer commanding the Post will take the earliest opportunity of reporting the particulars to the Landdrost of the District.

The necessity of a perfect cordiality and good understanding subsisting between the Military and Inhabitants is so evident that the Lieut. Colonel has only to observe in addition to the Detachment Orders of the 29th November last (and which are referred to) that since the period of those Orders being issued, the experience he has personally had of the many good qualities possessed by the Peasantry in general afford him the most confident hope, that by making every allowance for their ignorance and prejudices, and treating them with friendly respect, they will ever be found willing to contribute to the comfort of the Military as far as their means will allow, while on the other hand not only is every aid to be granted them for the protection of their Families and Property, but every assistance afforded to contribute to their prosperity and welfare by permitting Soldiers to work and preventing them from making exorbitant charges for their services. Many of the Farmers are at present too poor to afford any comfort to

the Troops, but which a mutual good understanding, Industry, and the Fertility of the Soil will very shortly enable them to do.

Uitenhage, 30th March 1812.

(Signed) J. GRAHAM, Lieut. Colonel.

[Enclosure 12 in the above.]

Message from LIEUTENANT COLONEL GRAHAM *to* GAIKA.

(Undated.)

Four Messengers from Gaika informed Lieutenant Colonel Graham that their Chief had sent them to know how matters stood between him (Gaika) and the Colonists, that he hoped his conduct during the late Hostilities had met with the Lieutenant Colonel's approbation. That the Zuurveld Kaffirs when the Commandos entered the Field had asked assistance from Gaika, which he refused, at the same time desiring Slambie and the other Kaffers within the limits to return to their own country, where he would receive them kindly, and they would get more territory there than they have occasion for. That Gaika had sent people in all directions to find out, and collect such Stolen Cattle as had the Brand Mark and that he would send out the same as soon as he could, and he regretted not being able to send more Horses, they had all died of the Distemper. Gaika was sorry to hear that some Kaffers had (in January) murdered a Boer's wife, that he made every endeavour to discover who they were, but in vain. That Gaika was very anxious to see the Lieutenant Colonel, but was afraid.

These Messengers were very solicitous to know whether we did not consider Gaika as the greatest of the Kaffer Chiefs.

These Messengers were (in a conversation they had with each other, to which they were not aware any one was listening) heard to say, "Oh he (Gaika) will give up the Guns at once, we have no use for them."

Two of the four spoke Dutch fluently. One of the two, a Ghonna Hottentot, informed Lieut. Colonel Graham's Interpreter that he only waited an opportunity of bringing away his Cattle and he would with others of his nation quit the Kaffers and come to reside in the Colony.

LIEUTENANT COLONEL GRAHAM'S *Answer to Gaika.*

Tell your Chief that he is certainly the greatest Kaffer Chief, and has conducted himself as becomes a great Captain in remaining peaceably in his own Country and refusing assistance to the other Kaffers in an unjust cause. That we always respect Chiefs who spare the lives of their subjects. That Zlambie and others not having done so, many of them had been killed. That the Murders and Thefts the Zuurveld Kaffers had for so many years been in the habit of committing, and their not having fulfilled their repeated promises to quit our country had at length obliged us to employ Force for that purpose. We chose the season of Corn being on the ground in order if they would not keep their promise of going away that we might the more severely punish them for their many Crimes by destroying it, and also because if they were determined to resist we knew that they would use their utmost efforts for its preservation, and we were anxious to convince them how vain the efforts of the whole Tribe of Kaffers would be against the Force that we could at any time bring against them.

That now however, the Kaffers being in their own Country, we were inclined to be on friendly terms with them all, provided they remained there, though every one who crossed the Great Fish River or came within the Boundaries would certainly be shot ; that I begged Gaika would assemble or send to inform all the other Kaffer Chiefs of this our determination. Also that parties of Soldiers or Boers were stationed all over the Country for the express purpose of keeping it clear of Kaffers. That as a proof of our anxiety to be friends with them, we will send back all their Cattle now in our possession, provided they keep in their own Country, except those belonging to the murderers of the late Mr. Stockenstrom, most of which had been slaughtered for the Commando.

That as Gaika was the greatest Chief, we wished all Messages to come through him.

That Lieut. Colonel Graham having come on horseback could not bring many presents with him, but sent the few he had ; but being very anxious to see Gaika and prove to him our sincerity, had sent for many presents for him and his

wives, which he would bring with him as soon as Gaika had appointed a place of meeting, and which the Lieutenant Colonel desired he would do as soon as possible and send an answer back to say when it should be, proposing Cat River as the best. The Lieut. Colonel also begged Gaika to inform other Chiefs that the Lieut. Colonel would ask his Great Captain to send occasional presents to them also, if they desired it.

N.B. The messengers said Gaika was well aware that we had endeavoured by mild measures to induce the Kaffers to depart. These people expressed great satisfaction on being told that we considered Gaika as the greatest Chief. On the Lieutenant Colonel saying he would send those who were expelled some Seed, the Messengers replied that that was unnecessary as Gaika's Kaffers could supply them.

(Signed) J. GRAHAM, Lieut. Colonel.

[Enclosure 13 in the above.]

SECRETARY'S OFFICE, *October 7th, 1812.*

SIR,—In order to give full effect to the Measures pursued by the Government, for the Expulsion of the Caffre Tribes from this Colony, it will be essentially necessary, that a considerable Force be retained upon the Frontier for some time to come, in order to keep these wandering Savages within their prescribed Boundary, and ensure its permanent Tranquillity.

The regular Force that has been employed upon this Service, cannot be much longer continued to its present Extent, consistent with the Protection of Cape Town and its Vicinity, in the Event of an Attack from an Enemy ; the future Protection of the Frontier, in which every Individual in the Colony is so deeply interested, must, therefore, be provided for in a great Measure by internal Arrangements.

His Excellency the Governor having taken this Subject into His most serious Consideration, and at the same time, that He feels the Necessity of keeping up the present Numbers upon

the Frontier Line, would be willing to lend Himself to any Measure that might be devised, for lessening the many Inconveniences arising to the Inhabitants from the present System of Commandos, and remove an irksome Burden from His Majesty's Subjects, and which appears to bear with peculiar Hardship, and is most sensibly felt by those who inhabit your District, as well as those of Stellenbosch, Tulbagh, Swellendam, and George. His Excellency has authorized me to make known to you these His Sentiments, and to say, that, with a view of accomplishing this Object, He has it in Contemplation to augment the Cape Regiment, as a Measure the most likely to afford Protection to His Majesty's Territory, and relieve the Inhabitants of the aforesaid Districts from personal Service; but as the Augmentation will be attended with considerable Expence, it appears but reasonable, that the pecuniary Means should be furnished by the Districts, that would be relieved from affording a personal Service.

As a preliminary Step, therefore, to the proposed Arrangement, His Excellency is desirous, that you should be put in Possession of the Outline of the Plan, namely, the Augmentation of the Cape Regiment, and that the Expence necessarily incurred, should be borne by an annual voluntary Contribution, raised within the Districts mentioned, according to their Population and Means, to indemnify the Government for raising and maintaining such additional Force; and to request that you may, as far as is practicable, either of yourself, or, if necessary, in conjunction with the Board, (but without a more extended Promulgation,) ascertain the Disposition of the Inhabitants of your District to such an Arrangement; and, if found favorable, what might be the probable Amount of the Contribution that your District could afford with propriety, and be pleased to report the Result of your Enquiries to this Office, for His Excellency's Information.

Should the proposed Plan not be met by the Inhabitants of the Districts, with Alacrity and more than tacit Concurrence, it is not the wish of the Government to press a Measure intended altogether for their Convenience, but to allow the Commando System to take its usual Course.

It may be necessary to add, that, should Circumstances hereafter arise, that would make it necessary to have recourse

to the Commandos, the local Contribution, now in Contemplation, shall cease upon such Commandos being called out.

I have &c.

(Signed) JAS. FOSTER, Acting Dep. Col. Sec.

To the Landdrosts of the Cape District, Stellenbosch, Swellendam, Tulbagh, and George.

[Enclosure 14 in the above.]

KAT RIVER, *January 31st 1818.*

DEAR SIR,—By request of Gika is the following note written to His Excellency the Governor, viz.

That Gika is the same in his disposition towards His Lordship, as when he had an interview with him at this place, and when he received information of your coming into this land with the commando, and as His Excellency professes the same friendship towards him he has sent to request that you would send what Cattle you have of his, after having taken those among these which belong to you, that the calves and children may not die with hunger. I have &c.

(Signed) J. WILLIAMS, Missionary.

To Major Fraser.

[Enclosure 15 in the above.]

(*Undated.*)

SIR,—I perceive that you misunderstood the places contained in Gika's former letter viz.

Why is my place destroyed ? That is my people (who were composed by the professed friendship contained in your letter) were now fled in every direction for safety :—and why are my people shot ? That is, those who were shot were his people, and he says that what the messenger informed you, respecting those who were hunting, was false :—And why are my children left without food, that is, the milk of the Cows is the children's sustenance.

(Signed) J. WILLIAMS, Missionary.

To Major Fraser, Deputy Landdrost, Graham's Town.

[Enclosure 16 in the above.]

GRAHAM'S TOWN, 20 March 1818.

SIR,—I have the honor to acknowledge the receipt of your letter of the 6th Inst. with enclosures relative to the murder of the three sons of D. Geire and a Slave woman, by a party of Kaffers, in the neighbourhood of Baviaans River.

In conformity to your directions I will forthwith give orders that the Proprietors of crops in the vicinity of Kafferland may be furnished with a sufficient Military Guard for the protection of the Party gathering it, immediately on their making application for the same to the nearest Military Post.

The Hottentots whom I sent into Kafferland inform me that the Kaffers all acknowledged having heard of the late murders and depredations, but declare their own innocence and ignorance of the perpetrators thereof:—saying that it must be wandering Kaffers and Hottentots who will not be under the authority of any chief who commit these acts; these Hottentots also affirm that all the Kaffers seem unanimous, and on much better terms of friendship than they had witnessed at any former period; that during their stay of 15 days in Kafferland they had various opportunities of seeing it at large rejoicing parties where Gika's and Tslambie's people &c. &c. were all intermixed. At one of these assemblies on the Kat River found Gika who returned home immediately on their arrival.

All were most anxious to learn from the Hottentots what became of the cattle lately brought from Kafferland, and were very dissatisfied on being informed that they had been distributed among the Colonists. These Hottentots being well known and having friends and relatives in Kafferland were told by many of them that the Kaffers still entertained some hope of getting them back, and that they would patiently desist from committing any depredations, until such time as they gave over all expectations of the cattle being restored, *after which* they were determined to murder as many of our Cattle herds, and carry off as many cattle, as they possibly could; That the country was wide enough, and all our cattle Guards could not prevent them; and cautioned these Hottentots to be particularly careful when in charge of cattle, as they would not intentionally murder people with whom they were

so well acquainted. (These are the words of the Hottentots as nearly as I can write them down.)

On the arrival of Hendrik Nootka (as stated in the P.S. to Mr. Williams' letter,) I shall without loss of time, make you acquainted with such answer or message as I may receive from the Kaffer Chief Gika. I have &c.

(Signed) G. S. FRASER, Major and Deputy Landdrost.

To Lieutenant Colonel Bird, Deputy Colonial Secretary.

[Enclosure 17 in the above.]

26 March 1818.

Africa van de Kaap, Slave belonging to S. I. Erasmus G.'s son, having run away from his master in December 1817, and from that time, until he was taken by G. Bezuidenhout on the other side of the place of L. R. Erasmus on Brintjes hoogte has been with the Captain Kaffre Casa :—

Declares in our presence,

That shortly after the detachment under Major Frazer had returned, the Kaffre captains Botman, Koms, Linx and 120 others old and young, came to Kasa, and having held a meeting, agreed, in case the Cattle carried away by the said detachment should not be restored, they should attack the Inhabitants, to retake their own cattle, and also that of the Inhabitants ; to burn all the Houses, and to murder all the men (but no women) ; and that it was their intention at the same moment also to attack the District of Graaff Reinet on this part of the Frontier, after which they would have supplied themselves sufficiently with fire arms and ammunition, when they would return to their own country where they would wait to see what the people on this side should do, and that should they from their side attack them, they themselves would equally as well be supplied with arms.

They purposed to carry this into execution soon after the detachment had returned, however they first went to Gika, to whom they submitted the plan. Upon which Gika told them not to do it, but to wait until he should receive an answer from Government whether the Cattle were to be restored or not ; and was informed by the Ghona Klaas belonging to Kasa's Kraal, who was present with Gika at the time, that

Gika had permitted the said Captains to execute their plan in case the cattle were not restored ; and he added that Gika would require payment for such of the cattle as should have been killed belonging to them.

He further declares that several Thieves and Hottentots, belonging to the Colony, were detained by Kasa and that Gika had offered them the assistance of his people in case they did not get their cattle restored.

(Signed) B. J. DE KLERK, Heemraad
F. J. VAN AARDT, Do.

GRAHAM'S TOWN, 26 *March* 1818.

[Enclosure 18 in the above.]

GRAHAM'S TOWN, 28th *March* 1818.

SIR,—The daily anxiety that we experience from the apprehension of being attacked by the Kaffers, oblige me, as well as also partly my duty to request you respectfully that we may obtain protection for our Houses, Families, and Property, for alone, we are unable to defend one another, should it prove true what the slave Africa has declared, that the Kaffers are strongly resolved to destroy all, should they not get their Cattle restored to them.

And whereas this part of the Frontier is thinly inhabited, we most earnestly pray you to send us some Burghers, from other parts not so much exposed to danger, for some time to assist in our protection.

Surely the Government gives us as much military assistance as possible, but you are well aware that when cattle are stolen from different places, they are all wanted to follow the tracks into Kaffreland, and that during their absence we have hardly any protection left on this side the Boundary, and as before observed we cannot assist one another.

Convinced that you will contribute all in your power for the good of the Inhabitants, We have &c.

(Signed) B. J. DE KLERCK, Heemraad.
F. J. VAN AARDT, Do.

P.S. Enclosed is the declaration of the Slave Africa.

To G. S. Fraser, Esqre., Deputy Landdrost.

[Enclosure 19 in the above.]

KAT RIVER, KAFFRELAND, *May 1st 1818.*

SIR,—On Friday Gika sent for me to write a letter for him to His Excellency the Governor, and yourself. The following is a copy of that to His Lordship.

“The Kaffre Chief Gika has requested me to communicate to Your Excellency direct his great satisfaction from all the communications which Your Lordship has made :—yet at present he cannot give an answer to the offer which has now been proposed by Your Excellency, viz. that Your Lordship would send him assistance, should any oppose his putting a stop to that murder and plunder, which has so much disturbed the peace of both parties.

“The first reason that Gika assigns for his not answering Your Excellency’s proposition is, that the friendship professed in the letter written by Major Fraser according to Your Lordship’s order, at the time he departed from Graham’s Town with the Commando for Kaffreland against Zlambie, has been broken by Major Fraser at the time mentioned above. The commando being professedly against Zlambie, but to him nothing was done ; and the persons of whom so great satisfaction was expressed have lost their cattle ; and as a proof of the truth of this, he appeals to Commandant Miller and the party who were with him previous to this.

“In the second place he says he has made his complaint and has received no satisfactory answer. He says with regard to the first reply that was made to his complaint, it’s false, viz. that his messenger who informed Major Fraser, that his people were all returned from hunting, said this of his own accord, that it was not from him, nor was it true what he had asserted ; and in that, which had been done by Major Frazer was not done to Gika but Zlambie, this, he says, is also false, for not one of Zlambie’s men was shot, nor one of his cattle taken ; on the contrary, they were all his ; and with regard to what the prisoner said to Major Fraser, that was false also, viz. that not one of the cattle of Gika’s people was among those which were taken.” I have &c.

(Signed) J. WILLIAMS, Missionary.

Gika would have had me write this letter to the Governor before this, had I not dissuaded him from it. This is in consequence of his being informed by some one or other, that his complaint was not made known to the Governor.

To Major Fraser, Deputy Landdrost, Graham's Town.

[Enclosure 20 in the above.]

*Evidence given by MR. J. KNOBEL to the COMMISSIONERS OF
ENQUIRY.*

CAPE TOWN, 13th November 1823.

Were you employed in the district of Albany in the year 1819 ?

Reply. I was appointed to the District of Uitenhage, to which Albany then belonged, and I was ordered to make surveys of the Lands intended for the Settlers expected to arrive from England.

At what time in 1819 were you so employed ?

Reply. The first order that I received was in the month of November 1819 given through Colonel Cuyler.

How soon did you proceed to survey after you received that order ?

Reply. About the same month in which I received it.

What portion did you first survey ?

Reply. The tracts between Graham's Town and the Mouth of the Great Fish River.

What did your orders specify ?

Reply. Merely to take a general survey of the country for the purpose of ascertaining the extent and quality of Land there might be fit for Settlements.

How soon did you complete your first survey ?

Reply. I think I sent it in to Government in the middle of March 1820.

With a Report ?

Reply. With a Letter to Colonel Cuyler.

Had any Settlers arrived from England before the month of March 1820 ?

Reply. None. I believe the first of them arrived in Algoa Bay in the middle of April.

Did you accompany Colonel Cuyler in his journey to fix the Settlers in their Locations ?

Reply. I did.

At what time was that ?

Reply. It was in April, immediately after the arrival of the Settlers.

What party did you proceed first to settle ?

Reply. Mr. Bailie's party. They were settled near the mouth of the Fish River.

Were you at Algoa Bay when a Settler named Francis arrived ?

Reply. I was not, but I was in Albany District at the time.

Did you ever visit his place at Assagai Bush, and how soon after he was placed in it ?

Reply. I never was there till I went to survey it, early in July 1822.

By whose order did you go to survey it ?

Reply. It was in consequence of the general order to survey all the separate divisions of the Land that had been allotted to each party of Settlers.

What sort of land did you find that which was occupied by Mr. Francis ?

Reply. With little exception it is Land of inferior quality. It is what is generally termed in this country sour grazing. A small portion only may be termed fit for cultivation.

Do you remember the extent of his Land ?

Reply. What I surveyed was 500 Morgen.

Was Mr. Francis on the Land at the time ?

Reply. He was not.

What Buildings did you find on Mr. Francis's land ?

Reply. There was one good building of stone. It was occupied as a dwelling house by some of Mr. Francis's people. It was perhaps 40 feet long, and substantially built.

Were there any Farms adjoining the Lands of Mr. Francis that had been either measured or occupied ?

Reply. There were two farms adjoining to them, the land marks of which were very near the house that had been built by Mr. Francis.

Do you know, or had you any means of knowing, whether

those adjoining Farms had been measured or surveyed before Mr. Francis settled, and if so how long before ?

Reply. I am not sure of the period at which they were surveyed, but I know that they were not surveyed at the time that I took the general survey of that part of the country, which I think was made in June 1820.

By whom did you find that they were occupied ?

Reply. The one nearest to Mr. Francis was occupied by Dirk van der Schyf, and the other by a man named Fred. Rensburg.

Was there any water or kloof attached to the Land that Mr. Francis settled upon ?

Reply. There was. Near his house there was a very good spring of water. On his ground there was also a kloof that at the time I was there contained water.

From what you saw do you think that Mr. Francis could have supported his Cattle without trespassing upon his neighbours' lands ?

Reply. He might possibly, but I think with difficulty, as his neighbours' boundary was so very close to his own land.

Had the two neighbours been long in the possession of their places ?

Reply. I do not know how long they had been in possession. The places had been recently measured.

Of what extent was these Farms ?

Reply. I believe about 2000 Morgen each.

Was their Land of superior quality to that of Mr. Francis ?

Reply. No. I think of the same quality.

Did you measure the Land of Mr. Francis ?

Reply. I did according to the Lists that were transmitted by Colonel Cuyler specifying the quantity of Land each party was to have. The name of Mr. Francis was in that list. After having made a general survey of Land fit for locations, it was then determined by Colonel Cuyler where each should be placed. The Settlers were then sent off with guides to the different places that Colonel Cuyler selected, and in some places I attended myself to fix them. Afterwards I went to each Location to measure the extent of Land that was assigned to each and marked the Boundaries, and among others I fixed those of the lands of Mr. Francis.

Will you be so good as to read a direction from Colonel Cuyler to Mr. Francis on the third page of his Memorial, and then say whether you think that any one following that direction would be led to the spot upon which Mr. Francis placed himself ?

Reply. I do not think he would.

From what cause does it happen that the place that appears to be assigned in your Printed Map of the Albany Settlement to Mr. Francis differs so greatly from that which he occupied and which you say you measured ?

Reply. In the first place the Map alluded to is not official. In submitting the lists of the names of the Settlers and the Lands fit for them to Colonel Cuyler, I suggested to him that Mr. Philips, one of the Settlers, had mentioned to me a wish that Mr. Francis should be settled near him, and I therefore recommended him to allow Mr. Francis to be placed on the spot where his name is now found on the Map. The Map was not then in existence, and not having heard anything to the contrary I always supposed that Mr. Francis had gone to the place I marked out for him.

Did Colonel Cuyler assent to your suggestion ?

Reply. At the time I made it he said nothing against it.

Do you know whether it was communicated to Mr. Francis ?

Reply. I am not aware of that.

Was Mr. Francis placed upon his land near Assagai Bush when you made the suggestion to Colonel Cuyler ?

Reply. No, he certainly was not, for he had not then arrived.

Did Mr. Philips, or who else, inform you Mr. Francis was coming to the Albany District to settle ?

Reply. I think I obtained the information from Mr. Philips, but I am not quite sure.

Do you recollect when you made the suggestion before mentioned to Colonel Cuyler that he said he had received any instructions respecting Mr. Francis or had received any orders for giving him Land ?

Reply. When I went to Uitenhage and Colonel Cuyler asked my opinion respecting the places upon which Settlers might be fixed, he shewed me a List that he had received from the Colonial Office stating the extent of Land that was to be allotted to the parties that had come from Clan William,

and it was upon that occasion that I mentioned to Colonel Cuyler Mr. Philips' wish respecting Mr. Francis and I gave him a List of the places that then remained for locating the Settlers that were yet to be placed.

Was the place on which Mr. Francis settled one of those you pointed out to Colonel Cuyler ?

Reply. Not exactly, the spot I pointed out was lower down on the same stream.

Was it a better place do you think than that which he occupied ?

Reply. I think there is a very little difference.

Then are you able to assign any reason for Mr. Francis not receiving the portion of Land that you recommended he should have ?

Reply. I am not, except that I have understood that Mr. Philips was in correspondence with Mr. Francis and that I think it possible he might have dissuaded him from going to the place I had pointed out to Colonel Cuyler.

Are you aware of the Land that you had pointed out for Mr. Francis having been disposed of to other persons ?

Reply. I am certain that it was not disposed of when Mr. Francis arrived at Algoa Bay.

To whom has it since been assigned ?

Reply. To Mr. Scanlen, one of the parties I believe who had attempted to settle at Clanwilliam, and afterwards came up to Algoa Bay to be settled in Albany.

Was there much choice of Land at the time Mr. Francis arrived in Albany ?

Reply. Very little I believe. There were about six or seven spots vacant which I suggested to Colonel Cuyler.

Would they, do you think, have been sufficient to contain all the Settlers that came at the same time from Saldanha Bay ?

Reply. I think they would.

Was the Land of good quality that you had recommended for Mr. Francis ?

Reply. Nearly all of the same quality as the rest, certainly not inferior. I am not sure whether the water was so good upon it.

Is it your opinion that a Settler can by his labor so cultivate

100 acres of Land in the Albany District as to be able to derive subsistence from it for himself and family ?

Reply. I do not think that he could cultivate it himself, he would require assistance and labour. The land varies in quality, and 100 acres of some of it would not support a Man and his Family, tho' there are spots where 100 acres would enable him to live. But this supposes the crops to be exempt from diminution by drought and other causes every year, which they unfortunately have not been.

Do you think that One Thousand Acres of the same Land would afford subsistence to a man and his family with a competent number of Labourers ?

Reply. I do not think that even such a quantity would be sufficient.

(Signed) J. KNOBEL, Government Surveyor.

[Enclosure 21 in the above.]

Evidence given by British Settlers to the Commissioners of Enquiry.

GRAHAM'S TOWN, 26th February 1824.

Mr. Thomas Philipps examined.

With reference to the 3rd Paragraph of the Statement to Lord Bathurst, in what respects do you conceive that the Misapprehension of the General and Local Authorities has checked the early prosperity of the Settlement ?

Reply. By the dissolution of the Contracts between Masters and their Indentured Servants, which led to a general insubordination and produced a very bad effect upon their conduct.

Do you conceive that all the Heads of the Parties were competent to fulfil their engagements of furnishing subsistence and clothing to their Labourers ?

Reply. If they had had a return from their crops of the first season I think that the greater part would have done exceedingly well. Some of them were certainly unable to support them, and when I was a Heemraad I recommended some of the Parties to be dissolved on this account, and also on account of making improvident engagements with the men in England.

Was there a scarcity of Corn in the Colony when you arrived in April 1820 ?

Reply. No, there was not.

Do you think that there existed any necessity for the continued Issue of Rations to the Settlers after their arrival at their Locations ?

Reply. We brought to our Locations from Graham's Town two months' rations. After they had been consumed I do not think there was any necessity of continuing them if the other instalments of the deposits had been paid.

Are you at all acquainted with the reason that induced the Government at that time to continue the issue of Rations after the expiration of the two months ?

Reply. I am not. I went to Mr. Head, the Commissariat Officer, to expostulate with him on the measure when the two months had expired, and to request that my two Instalments might be paid. His answer was, "Take my advice, go on taking Rations, there is an arrangement going on in Cape Town by which you will obtain both Instalments and Rations." I therefore had no other alternative, and continued taking rations.

Have your Rations been charged against you in the account that you were made to sign before you received your Title Deed to your location ?

Reply. They are.

Do you think that if these Instalments had been paid to the Settlers after the expiration of the first two months they would have been able to have met the consequences of the failure of the crops in the years 1820, 1821, and 1822 ?

Reply. The indiscriminate issue of provisions I think caused a heavy encrease in the price of Labour and made many men idle who would otherwise have been industrious. I think also that greater economy could have been observed if the individuals who received rations had been obliged to resort to their own resources for their subsistence.

Do you know whether the situation of Bathurst had been recommended by any body to Sir R. Donkin ?

Reply. I have heard that it had been recommended by Colonel Cuyler and Major Fraser.

Do you think that Graham's Town is preferable as a seat of Magistracy to Bathurst ?

Reply. Considered relatively to the general interest of the whole District, I think it is, but with reference to the Body of the English Settlers I think it is not.

What was the system of Military Defence adopted or maintained by Sir R. Donkin to which is imputed the exemption from Caffre depredation ?

Reply. The occupation of the Fish River Posts and the immediate pursuit and punishment that followed any depredation of the Caffres.

What were the arrangements made by Sir R. Donkin for the intercourse between the Settlers and the Caffres ?

Reply. The issuing of a proclamation for the establishment of Fairs on the Keiskamma River, with regulations for the protection of the Caffres.

To what Individual is allusion made in the 4th Paragraph of the Statement when it is declared that your interests and property are committed to the unlimited control of one ?

Reply. To the Governor of the Colony, invested as he is with the uncontrolled and sole Legislative authority.

Had you no means or were none pointed out to you for transmitting to the Governor of the Colony all or any complaints and grievances that you might have to address to him ?

Reply. We knew that we could transmit Memorials to the Governor, but we never received a direct reply to them. We did send, and when the answers were returned they were delivered verbally by the Landdrost and copies of them denied to us. Complaints against the acts of the Landdrost or other Official Servants are referred to him or them and then returned to the Governor, who decides upon them without any further reference to the complainant or further explanation of them. We did not think that the Landdrost Mr. Rivers possessed either the knowledge or inclination to make a true representation of the situation of the Settlers to the Head of the Government.

Has he shewn any Activity in visiting the Settlers, or in communicating with them, since his appointment to the Office of Landdrost ?

Reply. In 1822 he visited my Location, but I do not think that he examined it. In 1823 I understand that he partially visited the Locations, and that his Report to Government is

founded upon the Information that he received in the course of that visit.

What are the distressing proofs by which the Settlers have been convinced that the Colonial Government possesses no adequate means of ascertaining their actual wants ?

Reply. The uniform reversal by Lord Charles Somerset of every thing that had been done for their advantage and which we could only imagine proceeded from ignorance of our real state. Such was the removal of Bathurst, the prevention of our following stolen cattle across the Keiskamma, the withdrawing of the Outposts on the Fish River, the removal of the Special Heemraads Captain Campbell, Mr. Bowker, and Major Pigot, who had been found very useful in the administration of Justice.

Do you know any reasons that were alleged for removing the Special Heemraads ?

Reply. I was informed by Major Somerset that his Father would not allow any persons who had been friends of Sir R. Donkin to remain in those situations, and the remark was specially applied to Captain Campbell and Major Pigot.

We have been given to understand that the first idea of a meeting of the principal Settlers for the purpose of better making known their situation to His Excellency the Governor was suggested to you by his son Major Somerset.

Reply. It was during a conversation that I had with Major Somerset on taking my Farm of him in April 1822, when he was about to depart to Cape Town. I was stating to him the heavy losses I had experienced and my intention of trying it one year more and then I was determined to quit the Colony, when Major Somerset observed that these circumstances were very distressing and spoke in very feeling terms of the situation of the Settlers in general. He then suggested to me the idea of one or two of the Settlers proceeding to Cape Town for the purpose of representing our real situation to his father. I replied that I was not aware that more could be said than was contained in a Narrative that I had then recently sent to Lord Charles at the request of Mr. Rivers.

What were the steps taken by you upon this suggestion from Major Somerset. ?

Reply. Having received official intimation that Mr. Rivers

would visit my location on his tour of inspection through the Settlement, I left Graham's Town for the purpose of being there to receive him, and on the way home I dined at Mr. Carlisle's, where I also met Mr. Carlisle's brother and Lieutenant Crause. In the course of the evening the conversation turned on the departure of Major Somerset from the Frontier, and I mentioned the particulars of the conversation that had passed when I took leave of him and the proposal he had made that a Deputation should be sent to Cape Town. The suggestion was immediately taken up and considered as important by Mr. John Carlisle and Lieutenant Crause, and after some conversation it was mutually agreed that a Subscription ought to be raised for the purpose of defraying the expences of the Deputation, and with this view it was decided that a Circular Letter should be addressed to the principal and most respectable Settlers, to propose a Meeting to be held at Graham's Town on the 24th May. Having agreed upon the proposed Circular, I proceeded home, intending on the arriving of the Landdrost (which I expected soon) to acquaint him with the object of the proposed meeting. I afterwards found that Mr. Rivers, instead of prosecuting his Tour, had returned to Graham's Town to meet the Governor of Bourbon. A short time previously I received a Letter from the Field Cornet Dyason (who accompanied the Landdrost) fixing the day on which the Landdrost would reach my Location and announcing that Mr. Rivers, his family, and suite would dine with me. This Letter was accompanied by a Note from Dyason enquiring if I had received a Circular Letter signed by Mr. Carlisle, and expressing a wish that the proposed Meeting should be postponed for a few days, as he desired to be present and doubted if the Landdrost's Tour would be terminated by the Day appointed. I replied to Dyason that the Letters having been already circulated it would be too late to make any alteration in the Day. These were all the material circumstances known to me that occurred previous to the Day of Meeting.

What occurred on the occasion of the Landdrost's interference to prevent the Meeting ?

Reply. The day of the intended Meeting (the 24th May) I came to Graham's Town with three or four friends and was much surprized to find a Public Notice stuck up, prohibiting

the Meeting and ordering the Parties to disperse and to return to their Homes. The next morning I called on the Landdrost and complained of the misrepresentation that must have been made to him respecting the objects of the intended Meeting and which had led to so abrupt a measure of interference. He replied that it had not been misrepresented as it had not been represented at all, that he had only heard of the intended Meeting on his return to Graham's Town two days before, and complained that as Magistrate he had not been applied to for his legal Sanction. I apologized by remarking that I had not been aware of the necessity of making a previous application to him, and then stated to him the objects of the proposed Meeting. He at first received me formally, but on this Explanation he observed that if he had been aware of the object of the Meeting he would not have refused his assent to it, and appeared to be perfectly satisfied.

When did you hear of the Proclamation of the 24th May ?

Reply. A Week after this Interview the Proclamation of the 24th May arrived, from which it was apparent that the representation to the Governor, and on which it was founded, must have been transmitted from Graham's Town by the Mail of the 14th of May or previously.

When were the Circular Invitations issued ?

Reply. The Circulars were dated the 2nd of May, but could not have been sent to the Post Office for some days afterwards.

What proceedings did you adopt when the Proclamation arrived ?

Reply. I wrote by the first Post an Explanatory Letter to Major Somerset who was then at Cape Town, reminding him of his own Suggestion about the deputation and stating that the object of the Meeting that had been so much misrepresented was to give effect to it. I requested Major Somerset to make this explanation to his Father.

What answer did you receive on the subject ?

Reply. I received no reply from Major Somerset, and in a subsequent interview after his return to the frontier he did not allude to the subject with me.

What was the nature of the inflammatory publications said to have been circulated about that time, and did they originate with the Emigrant Settlers ?

Reply. They consisted merely of jocular allusions to the different authorities (present and preceding). They were of a personal but harmless nature, and could not be regarded either as inflammatory or libellous. They were generally considered to proceed from two or three individuals resident in this neighbourhood, and did certainly originate with an Individual who was not one of the Emigrant Settlers. The Landdrost appeared to have received them in perfect good humour and expressed no dissatisfaction at the time.

What were the views and measures so much complained of by the British Settlers during the twelve months succeeding to these Transactions ?

Reply. The measures that followed were the removal of the Special Heemraden, the relaxation of measures for checking the depredations of the Caffres, the mode of establishing Fairs at the Clay Pits within the Settlement, and the formation of the Albany Levy to which Mr. Rivers was appointed Commandant. Add to these the unaccommodating Spirit by which the Landdrost was influenced in his general conduct towards the Settlers.

To what do you attribute the increased depredations of the Kaffres at that period ?

Reply. The system that had been pursued by Colonel Willshire by following up the depredators and recovering the Stolen Cattle was entirely abandoned after the arrival of Colonel Scott, who in sending out Detachments restricted them from passing the frontier, and during the period of his command so little energy was shewn that the Kaffres were emboldened and the Settlers harassed by continued inroads.

What were the circumstances and impressions that immediately produced the application for leave to meet in order to address His Majesty's Government ?

Reply. The impressions arising from the continued depredations of the Kaffers and some Murders that had been committed, also from seeing no effectual measures taken to check or punish these Outrages rendered the situation of the Settlers insupportable, and on a review of all the circumstances of their situation that have been alluded to the sensation was quite general that the time was come when it was essential to take the decided step of making their situation known to His

Majesty's Government. The agreement to make application was therefore spontaneous amongst those who signed it.

What led to the proposed Meeting being finally abandoned ?

Reply. The Governor having required that the objects of it should be specifically stated, it was judged that the loss of time occasioned by further references to Cape Town would be a serious addition to the sufferings of the Settlers, in consequence of which the address was drawn up, to which signatures were obtained.

How were the Signatures obtained ?

Reply. Copies were taken round by Three Individuals and were read to the parties, who were requested to sign them.

How were the Settlers at that time circumstanced in regard to their Agricultural prospects ?

Reply. They had experienced a third time the disappointment of a total failure of their Crops.

Since it has been proved to the Settlers that 100 Acres of Land were insufficient for the support of a family, what were the measures taken by the local Government to remedy the mistake ?

Reply. The Acting Governor Sir Rufane Donkin extended the locations of several of the principal Settlers and promised to enlarge some others, but no general plan was carried into effect. Several Memorials have since been addressed to the Governor, but I am not aware of any Grant of additional Land having been made by the Governor to the English Settlers at the time that the Address to Lord Bathurst was forwarded.

In what manner could their deposits have been applied to their farming pursuits at the time they were withheld to compensate for the issue of Rations ?

Reply. Had the deposits been paid according to engagement many of the Settlers could have purchased Cows and Sheep, and by the Dairy produce and an Economical use of them have kept up their Stock and subsisted their families at much less cost than the Rations that were issued and consumed.

What was the arrangement of the Colonial Government for supplying the Troops which operated so disadvantageously to the British Settlers ?

Reply. In raising Corn on the Government Farm and in reserving to themselves the Contract for supplying the Troops

with provisions, instead of allowing the Public to tender for it. When no produce was obtained from the Government Farm, the Director of it, as their Agent, collected the whole supply from the neighbouring District.

To what extent has the Circuitous Trade by Cape Town operated to the injury of the Settlement ?

Reply. The freights from Cape Town exceed those from England to that Port, and the Seasons favorable for Ships arriving at Table Bay is that in which Vessels are in greatest security in Algoa Bay. A proportionate reduction would be made by a direct trade in the prices of Articles received also from Eastern ports. Various other charges are the consequence of transshipment, independently of delays and double Insurance.

What may have been the number of Houses or Habitations erected in Bathurst about the period of the removal of the Establishment ?

Reply. About thirty Houses and Habitations, more than a third of which were substantially built.

What were the consequences so ruinous to individuals in the sudden removal of the Civil Establishment to Graham's Town ?

Reply. Immediately, in the depreciation of Property invested there, the loss of a Market for the produce of the contiguous Farms, which the Settlers were quite incapable of taking to Graham's Town and disposing of it to advantage, besides the prospect held out to them of an encrease to that Market from the enlargement of the Town of Bathurst and the resort to it as the Seat of Magistracy.

What are the acquired wants of the Kaffers which they were desirous of supplying by friendly barter, but which the restrictions imposed led them to satisfy by theft or force ?

Reply. The only one I can at present remember is those implements of Iron which they have shewn a desire to possess.

In what respect has the system of Government and Laws chiefly operated as serious obstacles to the prosperity of the Settlement ?

Reply. The unlimited power of the Governor, legislative and executive, and of the Landdrost as chief Magistrate of the District. The Laws, tho' not generally known, are not so much complained of in their principle as in their local administration and the Expences of Appeal. The mode of appointing

Heemraden is very much objected to, as they are in no degree a representative body, and in the administration of justice do not answer the purposes of a Jury.

Which is the fertile and unappropriated Territory alluded to in the Address ?

Reply. The Land alluded to is situated between the Fish River and the Keiskamma.

(Signed) THOMAS PHILIPPS.

[Enclosure 22 in the above.]

GRAHAM'S TOWN, 28th February 1824.

Deputy Assistant Commissary General Robert Johnstone examined.

Were many applications made to you by the Settlers at the expiration of the first two months after their arrival on their locations to be permitted to receive their instalments instead of continuing their Rations ?

Reply. Not many. The only one I now recollect was Mr. Phillips, who made the application to the Acting Governor Sir Rufane Donkin in my presence to be permitted to receive his money and to draw Rations as he wanted, and paying for them as he received them.

What was the answer of the Acting Governor ?

Reply. That it could not be allowed.

Do you know what is the Amount of the Balances now due by the Settlers for Rations issued to them on account of Government ?

Reply. About the sum of 210,000 Rix Dollars including the charges for Stores, Seed Corn, &c.

I believe that there was a great Scarcity of Flour in the Year 1820.

Reply. There was, and it continued to 1821.

Meat I believe was never scarce.

Reply. Never.

(Signed) ROBERT JOHNSTONE, D.A.C.G.

[Enclosure 23 in the above.]

23rd September 1824.

Christopher Thornhill, Esqre., examined.

Are you acquainted with the contents of a Statement that was made by a certain number of the British Settlers in the District of Albany in the year 1823, and transmitted to Earl Bathurst ?

Reply. I am.

Did you sign it, or were you in any manner concerned in its composition ?

Reply. It was brought to me by Major Pigot, but after reading it I declined to sign it.

What were your reasons for declining to sign it ?

Reply. I differed in the sentiments that the Statement expressed, and I did not feel the hardships of which it complained.

Do you conceive that if the two last Instalments of the Deposit Money had been paid at the stipulated periods to the Settlers, they would have derived more advantage than from the issue of Provisions that was authorized by Government ?

Reply. I do not think they would, as it would have encouraged the Heads of Parties to have extended their cultivation, and thence exposed them to greater loss.

Was there great difficulty experienced in obtaining Provisions on the first arrival of the Settlers in Albany ?

Reply. There was.

Were you aware or acquainted with any abuse in the distribution of the Bounty of Government in Stores and Provisions ?

Reply. I have heard that losses were experienced by the Commissariat Department in the issue of Provisions.

Are you of opinion that the indentured Servants were induced or encouraged to break their engagements in consequence of the high price given for Labour where no engagements existed, or in consequence of the great facility afforded by the Magistrates ?

Reply. I think that the high price that was offered for the Labour of Servants did in many instances prompt them to

break their engagements, but in some cases it may have been the ill-treatment they received from their Masters. In respect to my own people, I never complained of them, altho' their misconduct would have justified it. Their insolence and general unwillingness to fulfil their engagements rendered them almost useless and burthensome.

Do you conceive that the issue of Government Rations may have contributed to cause that spirit of independence and resistance to their employers ?

Reply. I do not consider that the issue of Rations produced this effect with the contracted Servants, but with the Settlers termed independent, who in many instances remained idly upon their locations and refused to hire their labour to others while they were thus subsisted by Government ; this made it difficult to hire labourers.

Are you of opinion that the situation of the Town of Bathurst was well chosen ?

Reply. Yes, I am.

Do you know whether it was the intention of Sir Rufane Donkin to remove the Seat of Magistracy from Graham's Town to Bathurst ?

Reply. I have every reason to believe it was, and that the Drostdy House now building at Bathurst was intended for the residence of the Landdrost.

Had any market been established at Bathurst before the change of destination was determined upon ?

Reply. A very inconsiderable one, but there was every prospect of its increasing.

Had many Houses been then built at Bathurst ?

Reply. I think about a Dozen.

Do you think that the supply of Water in the Village would have been sufficient to support an increasing population ?

Reply. I think that it would.

Do you recollect whether in the years 1820 and 1821 the depredations of the Caffres on the Frontier were repressed ?

Reply. In the part of the Country that I live in the Caffres' depredations have never been serious. I believe that at first the Caffres refrained from attacking us from their being ignorant of our force or of the property we possessed. I am of opinion that afterwards they received encouragement from the

illicit intercourse that some of the Settlers were found to maintain with them.

Are you aware of any difficulty that has occurred at any period to the Settlers of making known their situation to the Head of the Government at Cape Town ?

Reply. I am not aware of any.

Do you conceive that the Memorials of the Settlers were faithfully transmitted to the Colonial Government ?

Reply. I have never heard anything to the contrary.

Do you recollect to have received an invitation to attend a Public Meeting of the Settlers at Graham's Town ?

Reply. I did.

What was stated to be the object of this meeting ?

Reply. To take into consideration the critical situation of the Settlers arising from the continued failures in the Crops, and the little prospect of any improvement in them.

Did you attend the meeting ?

Reply. No, I did not.

Were you unfavourable to the object of it ?

Reply. My own impression was that the real object was a political one, and not that stated in the notice.

Had any marks of Public discontent or of dissatisfaction with the measures of Government been felt or expressed on any occasion previous to this meeting ?

Reply. I often heard general complaints and dissatisfaction expressed by the Settlers.

Did you yourself feel that there existed any ground of complaint against the measures of Government ?

Reply. None. I always felt that Government had done more than we had a right to expect.

Do you conceive that any advantage would have arisen from the Settlers being permitted to hold a meeting and discuss their grievances ?

Reply. Only in case of their being able to communicate to each other the results of their experience in Agriculture.

Are you of opinion that at the time at which the Meeting was intended to have been held there existed a great deal of individual distress amongst the Settlers ?

Reply. I think it was partial. The prospect before us was certainly a gloomy one.

Are you of opinion that the quantity or proportion of Land that was granted to the Settlers was sufficient to enable them to subsist on or to carry on cultivation to any useful extent ?

Reply. I am not.

Do you think that the ordinary allotment of Land that is given to the Dutch Boers from four to five thousand Acres is indispensable to insure success in any Branch of Agricultural industry in the District of Albany ?

Reply. I think that a less extent than that might be sufficient, and I know instances where, with industrious habits, Settlers have succeeded in subsisting themselves with much smaller portions of Land.

Do you think that the existence of the Somerset Farm, and the competition it creates in the Grain Market has hitherto operated unfavourably to the exertions of the Settlers ?

Reply. In a small degree it has, and in future if it should be continued it would certainly be seriously felt.

Do you conceive that the general prospects of the Settlers are such at present as to induce a large majority of them to remain in their present situations rather than incur the risk of removal to other Colonies ?

Reply. I certainly think that their prospects are better in remaining where they are than in removing ; and I think that very few indeed would accept the offer of removing if it were made to them.

Do you think that the District of Albany holds out an expectation of ever producing a surplus quantity of Wheat or Grain ?

Reply. Not generally, but I think that of Indian Corn, Potatoes, and Pease, there may be expected to be produced an exportable Surplus. I think also that salted provisions might in time be raised for exportation with some profit.

Are you of opinion that the Settlers who have not succeeded in Albany might be removed with advantage to the Settled parts of the Colony and put in possession of places formerly occupied by the Dutch Inhabitants ?

Reply. In case they could be removed to the neighbourhood of Markets I think that it would answer.

Is the scarcity of labour a great source of complaint in the Albany District ?

Reply. I think it is.

Do you find that the Hottentots make good Servants, and are they willing to enter into the service of the English Settlers ?

Reply. I do not think that they either make good Servants or are they willing to enter into the service of the Settlers. They have acquired such an idea of the value of their services, that it is very difficult to obtain them on any terms, even from the Missionary Institutions.

Do you find that these Institutions operate unfavourably to their disposition to work ?

Reply. I think they do.

Do the Missionaries not encourage the Hottentots to enter into Service ?

Reply. No, they do not.

Do you think that an augmentation of the labouring Population of Albany by the introduction of Irish Labourers would be beneficial ?

Reply. I place no confidence myself in the character of Irish labourers, they might succeed if located in independent parties. The introduction of boys as apprentices would I think be the best mode of adding to the labouring population.

(Signed) C. THORNHILL.

[Enclosure 24 in the above.]

Evidence of MR. LAND SURVEYOR KNOBEL on Location of Settlers, given to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 27th October 1824.

You remember having surveyed the Location at Lynch's post in Albany, part of which was assigned to General Campbell.

Reply. I do.

What number of Settlers did you estimate that it would provide for, and what were its resources ?

Reply. There was a considerable extent of Land, which according to the note I made at the time might have received about 100 Settlers, at the rate of 100 acres each. It had only one good Spring, and altho' the land could not generally be irrigated, there was much good arable land.

Did you visit that Location after Sephton's and the other parties had been placed upon it ?

Reply. The only time that I visited the location was in the month of July 1820, when I went to inform them that they were required to remove.

In what state of forwardness did they appear then to be in respect to building and cultivation ?

Reply. I do not distinctly remember, but I am disposed to think that no progress had been made either by Mr. Sephton's or Biggar's parties. Hyman and Ford's had erected the walls of cottages. Menzies' location I did not visit.

Did any of these parties complain to you of losses sustained by the necessity of removing ?

Reply. They had previously received intimation by Letter from Colonel Cuyler, and I do not remember their having expressed their complaints to me.

Did the locations appear to satisfy the parties that had been placed upon them ?

Reply. I had very little conversation with them, but I generally remember that Sephton's party expressed some objection to the location.

Did you visit either of those parties upon the locations to which they were afterwards removed ?

Reply. I visited all of them.

Can you state what were the comparative merits of those locations, and whether the parties were dissatisfied at the change ?

Reply. The location to which Sephton's party was removed appeared to me more convenient for the party, being more easily divisible on account of access to a stream or rivulet running through it. On the other hand in 1822 when I visited them they were situated between two Dutch farms, which have since been granted to the occupiers. The soil is not generally so good as at Lynch's post. The land assigned to Mr. Menzies' party at the Carreka after their removal was not generally so good as at the Kasouka, where the first were put down, but it had some good land. Hyman and Ford's location was inferior, it was very stony land, in consequence of which it was extended by order of Sir Rufane Donkin in 1821.

In the measurement of the locations was it invariably your

practice to leave the internal division of the land to the discretion of the Settlers ?

Reply. It was so in all instances.

Did you obtain from the Heads of Parties in all instances a Certificate that they were satisfied with the Boundaries fixed for them ?

Reply. I obtained a Certificate from the Head of each party or his representative that the boundary marks had been pointed out to them.

Did any of them refuse to give you such a Certificate ?

Reply. None except Mr. Stanley and Mr. Erith.

(Signed) J. KNOBEL.

[Enclosure 25 in the above.]

CAPE TOWN, 2nd December 1824.

Mr. Richard P. Jones examined.

What situation in the Commissariat Department are you filling at present ?

Reply. I am the Chief Clerk in the Commissariat Department of Accounts, and since Mr. Hayward's departure I have had, and still continue to have, charge of the Department.

You have in your Office one set of all the Commissariat Accounts of Receipts and Disbursements.

Reply. We have.

Be so good as to state when the first Instalment was paid to the Settlers, and at what exchange ?

Reply. Principally from May to August 1820, at the rate of £121 1s. 3d. per cent premium.

When were the second and third Instalments paid, and at what exchange ?

Reply. They were not paid, but credited to the Settlers in their Accounts Current. The second Instalment chiefly from August to December 1820 at the rate of £127 17s. 7d. per cent premium. The third Instalment was also credited to them in the course of the year 1821, at the average rate of £131 9s. 1d. per cent premium.

Were any Rations paid for subsequent to 31st December 1820 ?

Reply. Considerable quantities of Flour and Rice were issued for Cash during 1821 and 1822, but no full Rations.

Were any Rations at any time issued by the Commissariat without the Signature of the Head or nominal Head of the Party ?

Reply. Yes, there were, under special authorities, copies of which you have been furnished with ; the Signature of the Head, or of an accredited Substitute was uniformly affixed to such of the immediate Receipts for supplies on the Frontier as have come under the examination of our Department, and is therefore inferred to have been constantly obtained.

Did the Commissariat continue to issue full Rations in all cases after 31st December 1820 ?

Reply. Yes, until the 30th September 1821.

Were full or half Rations issued generally from 30th August to 31st December 1821 ?

Reply. Antecedently to 1st October 1821 full Rations were issued, subsequently to that date only half Rations were supplied.

Were any applications for relief made to the Commissariat Department after the 31st December 1821 by any of the Settlers in Albany ?

Reply. Beyond those made for Rice, I am not aware of there having been any such applications.

What was the total amount charged to the Settlers on account of Rations supplied to them ?

Reply. In 1820 Rds. 101,466 6 $\frac{4}{4}$, in 1821 Rds. 162,980 1 3, in 1822 Rds. 506 6 $\frac{4}{4}$, total Rds. 264,953 7 0. In the above Sum is included Rds. 6,746 3 1 for Rations supplied to the Settlers at Clanwilliam.

What was the amount charged to them for Agricultural Implements, Seed, &c. ?

Reply. Rds. 59,077 1 $\frac{4}{4}$. This sum includes Rds. 2,254 4 $\frac{2}{4}$ advanced to certain Individuals in cash.

What was the total amount of Deposits placed to the credit of the Settlers ?

Reply. The aggregate of the second and third Instalments retained and placed to the credit of the Settlers was Rds. 96,080 1 1 $\frac{3}{4}$, the first instalment having been paid to the parties in cash.

What is the amount of disbursements made by the Commissariat on account of the Settlers, and which have not been charged to them ?

Reply. In 1820 for Seed, Medicines, &c. Rds. 1,199 7 0, in 1822 for Seed gratis Rds. 13,352 0 4, in 1822 for Rice gratis Rds. 46,297 1 0, payment to Mr. Parker in lieu of Rations Rds. 3,502 4 2½. Besides the above there was a considerable expenditure on account of Waggon hire for conveying the Settlers to their Locations, but they have been exempted from any charge on this account by order of His Majesty's Government.

What did the full Ration issued to the Settlers consist of ?

Reply. The Ration consisted of 1½ lb. Meat, 1 lb. Bread, 2 ounces Flour, and 3½ lbs. of Wood per day, together with $\frac{1}{12}$ of a pound of Candles per week for one half of the year and $\frac{1}{9}$ for the remainder ; but those proportions were occasionally departed from at the request and for the accommodation of the Parties.

What proportion of these Rations was issued to the Women and Children ?

Reply. One half to Women and one quarter to Children.

What was the cost of the full Ration to Government ?

Reply. Nineteen Stivers generally, but at particular intervals it varied from 14 to 23½ Stivers.

What was the rate at which the full Ration was charged to the Settlers ?

Reply. The same.

What was the cost of the Ration of Rice to Government ?

Reply. The average price was 3¼ Stivers per Ration of half a pound.

Was any charge made to the Settlers on account of Rice ?

Reply. None whatever, they were issued gratuitously.

(Signed) R. P. JONES.

[Enclosure 26 in the above.]

Grants of Land to British Settlers.

Examination of WILLIAM HAYWARD, ESQRE.

CAPE TOWN, 16th February 1825.

You have been employed as the Commissioner in adjusting the claims of the Emigrant British Settlers upon the Locations in Albany ?

Reply. I have.

Will you be so good as to state the principle upon which you have found it expedient to adjust those claims with reference to the allotment of their Lands ?

Reply. The principle that I accepted as the most expedient and with consent of the claimants has been to allot homesteads to each claimant, and of an extent regulated by local circumstances favorable to cultivation, the remaining part of each location has been left as open pasturage, upon which each proprietor has the privilege of grazing a proportion of cattle regulated by the number that the land is capable of supporting.

What provision has been made for the extension of cultivation by those whose resources or industry have enabled them to prosecute it further ?

Reply. The local peculiarities of each Location have not admitted of the application of any general principle. Each proprietor may extend his homestead by cultivation, or he may cultivate land upon other available parts of the location, provided he encloses. It has been thought worth while in some instances to make an abatement in the number of Stock that the individual may have been allowed to keep, in the proportion of one head of cattle for every five acres cultivated.

What do you conceive to be the proportion of cattle that can be maintained throughout the year upon the Lands of Albany, according to the general experience of the Settlers ?

Reply. The general average proportion fixed by themselves is ten head of cattle for every hundred acres, and in most of the Locations an addition of five sheep has been made. Some of the parties have considered that their Locations will contain twelve or even fifteen head of cattle per hundred acres. The Locations have in few instances been yet stocked to this extent, but it is the persuasion of the Settlers that the land will bear them. When the Stock may have increased to this amount it may be found that the pastures will not bear so much.

Has it been found necessary to remove cattle to distant pastures at certain seasons of the year, and what may have been the effect of the restriction that some of the parties have been liable to, in being obliged to retain their Stock upon the Location throughout the year ?

Reply. The Settlers have been willing to change the pastures if opportunity offered, altho' I do not conceive that in their circumstances it would be desirable for them to go to any considerable distance to graze their cattle, the usual ill effects have certainly been experienced from keeping the cattle upon the same grasses throughout the year, but the Stock has not yet been so considerable as to create any positive inconvenience. The demands of the Settlers in many instances for extension of their Lands have proceeded from the expectation that the early increase of their Stock would require it.

Does it appear to you that the cultivation within the locations will admit of being much extended ?

Reply. Wherever flat ground can be obtained it appears capable of cultivation, but from the rugged and uneven surface of the country the proportion of good arable to the pasture land is inconsiderable. The objection is not to the soil, but to the circumstance of the surface being sometimes encumbered with rock or on such steep slopes as would expose the soil to be washed away by the heavy rains if the land is disturbed by the plough.

What number of Cattle are considered necessary for the due cultivation of an acre of land in Albany ?

Reply. I have reason to believe on an observation of the soil in Albany, and on inquiries from practical men on the Locations, that ten loads of manure are required for the cultivation of an acre of land, and as there is no litter in the cattle kraals or pens twenty head of oxen or cows are required to produce that quantity. A team of ten oxen will perform the labour in cultivating about thirty acres.

Do you conceive that the land from which certain parties were removed after their first settlement was preferable to the locations afterwards assigned to them ? I allude chiefly to the Parties that were removed from that which was expected to arrive with General Campbell, but which did not come out.

Reply. The lands around the Riet Fontein from which the Parties alluded to were removed to make way for that expected to arrive with General Campbell are decidedly superior to those whereon the parties were subsequently placed.

Are you of opinion from the result of your enquiries that the

parties in question have suffered much inconvenience from their removal ?

Reply. The parties complained of it continually to me, and the parties of Menzies and Parker which were afterwards settled on the Karreeka did suffer much inconvenience from the nature and situations of their Locations. Sephton's party have recovered from the inconvenience to which they were at first exposed, but are most strenuous in their desire to resume the Lands from which they were removed, and by this means to obtain more room than their present locations afford for so large and united a party. They have also a strong preference to the Land.

Did it appear to you that the parties suffered much inconvenience from the grant of considerable tracts of land to individuals not Emigrant Settlers immediately contiguous to their locations ?

Reply. Undoubtedly they did in the specific cases of the grants made to Captain Trappes, to Major Jones, and to Mr. Austen, and also that to Mr. Burnett. I allude to these grants in particular as adjoining the locations.

What is your opinion of the circumstances of the principal Settlers on their locations, so as to enable them to employ Labourers with advantage to themselves and to those who might be encouraged to emigrate on engagement of service ?

Reply. On this subject I can state generally that there appears to be a great demand for labourers on the locations, that the price of labour was very high, being at the rate of 1½ to 2 Rds. (2s. 3d. to 3s.) a day, besides full subsistence to each common labourer, and higher in proportion to mechanics. The most exorbitant demands were represented to be made by mechanics, and those Settlers who were capable of working had constant employment, the whole of the children as they became capable of rendering any service were also fully employed, and the success of some individuals appeared to me mainly to have resulted from the labour of their families.

Do you conceive that there is vacant land remaining in Albany for any additional number of Settlers with their families ?

Reply. I do not conceive in that part of the District of Albany that has been settled by the British Emigrants that

there is any vacant land that could be appropriated to any additional number of Emigrant families. There is some open land near the right bank of the Fish River which might be appropriated hereafter to a class of Settlers who would co-operate in the protection of their property in the vicinity of the Kaffres. The lands on the left bank of the Fish River are generally considered eligible, altho' rather deficient in supply of water. The lands covered with thicket are not available in the present situation of the Settlement.

Have any recent attempts been made by the Settlers to improve the natural supply of water upon their Locations ?

Reply. They have in some few instances formed dams to preserve the water of the streams, and some of the springs have been improved. The water of the streams is in general too deep seated to be led out.

What progress has been recently made in the establishment of the Villages at Bathurst and the Kowie ?

Reply. No progress whatever has recently been made at Bathurst. Some mechanics are desirous of establishing themselves at the mouth of the Kowie, but they are reluctant to purchase building allotments, which the Government does not appear willing to grant. The supply of water on the left bank of the Kowie is very scanty.

What is your opinion of the comparative merits of the ports at the Kowie and in Algoa Bay, and the prospect of the coasting trade being chiefly attracted to the one or the other ?

Reply. I consider neither of them as a port, they are mere roadsteads. Their safety depending on the winds that prevail, they may each continue to be frequented according to the convenience of the inhabitants in different parts of the country.

Did you visit the mouth of the Fish River, and what observation did you make upon it ?

Reply. I did, and it strikes me that it has greater capabilities than the Kowie or Algoa Bay. There is a very fine Bason within the entrance and apparently a clear channel of entrance, tho' not a direct one.

Are there any natural facilities for forming an Establishment at the mouth of the Fish River ?

Reply. There are excellent points near the mouth on the right bank and good landing places, but there is little or no

fresh water, On the left bank there is a better supply of fresh water, but the bank is precipitous.

Did you attend any of the Fairs held with the Kaffers at Fort Willshire ?

Reply. I attended the first fair that was held.

Did there appear to be a good understanding between the Kaffres and those Settlers who attended, and what were the objects that were principally in demand ?

Reply. There appeared to be perfect cordiality prevailing between all parties. The objects that were sought for by the Kaffers with the greatest avidity were beads and also buttons, but chiefly the former, which I have been given to understand are used as a medium of transactions amongst themselves.

(Signed) WM. HAYWARD.

[Enclosure 27 in the above.]

Evidence given by MR. H. C. D. MAYNIER to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 25th April 1825.

Were you appointed Landdrost of Graaff Reinet in the Year 1792 ?

Reply. I was appointed Landdrost of Graaff Reinet in the Year 1792 by the Commissioners General Nederburgh and Frykenius.

Did you accompany the Commando that entered Caffraria in the year 1793 ?

Reply. I accompanied the Commando, and that for the following reasons : Years before I was appointed Landdrost I had made several journeys as well to the Eastern as Northern limits, and from what fell under my observation then and afterwards during the time I had been Landdrost, I was convinced that the complaints of the Boers about depredations from the Caffres were altogether unfounded, and always exaggerated, originating from a design to enrich themselves with the Cattle they were in the habit of taking from the Caffres on the Commandos which they were allowed to conduct under no other control than that of Officers appointed from their number, and consequently having the same object in view. I recollect particularly to have witnessed on one of

those journeys the distribution of Cattle taken from the Caffres by a Commando under the orders of a certain Field Commandant Daniel Kuhn, when the number of Cattle taken from the Caffres was computed to be Thirty Thousand Head. In corroboration of the opinion I had the opportunity to form I found in the Archives at Graaff Reinet the duplicate of a letter that had been written to Government some years previous by Mr. Wagenaar, Secretary of Graaff Reinet, during the absence of the Landdrost Mr. Woeke, in which he says "That the Boers, particularly C. Buis, C.s., under pretence that the Caffres had committed depredations continually insisted to form a Commando against the Caffres, that he (the Secretary) had caused inquiry to be made whether their complaints were well grounded, and found that they were not, but merely advanced for the purpose of enriching themselves with the Plunder from the Caffres." This letter I sent to Government with my report, for the purpose of backing my own opinion.

What orders did you receive from the Government respecting the disposal of the Caffre Captives and Cattle ?

Reply. I received from Government orders to prevent as much as possible the shedding of blood, and for that purpose to encourage the taking of Prisoners, who were to be either distributed amongst the Boers as servants or to be sent to the slave lodge in Cape Town. With regard to the Cattle I received no particular instructions, being left to follow up the established custom of compensating the losses of the Boers with the Cattle taken from the Caffres.

What measures did you pursue with regard to them, and did they meet the approval of the Authorities at the Cape ?

Reply. A considerable number of Prisoners, Men, Women, and Children had been taken by the Commando, chiefly through the assistance of the Hottentots who composed part of it, and I considered that if the orders to keep the Caffres prisoners were observed, some of the wives and children of the Boers might by the chance of war fall into the power of the Caffres, who would in that case act by way of reprisal and follow up the example. Experience has taught us that the Bosjesmen had never burnt the habitations of the Boers until the latter had commenced to set fire to the huts of the former. I therefore caused them to be brought in my presence, and used

my best endeavours to convince them that Government wished to establish nothing but Peace and Tranquillity and to prevent the commitment of depredations for the future, and after some exhortation set them at liberty. This step gave very great dissatisfaction to the Boers, who had shewn a great eagerness to keep them in bondage. Mr. Faure, the Landdrost of Swellendam, also opposed this measure very strongly, and even protested formally against it. I lost no time to report my measures and the reasons which led to the adoption of them to Government, and had the satisfaction that they were fully approved of. A good number of Cattle had also been taken, part of which consisted of Colonial Cattle. When the distribution of that Cattle took place, I compared the claims of the Boers about the Cattle they pretended to have lost by late depredations from the Caffres with the Opgaaf Roll (Taxation list), and found that they exaggerated their loss in some instances to ten times as much as they possessed at the time of the Opgaaf by their own statement under oath. I therefore resisted such claims as I found to be incorrect, and mollified them to what appeared to come nearest the truth, to the great discontentment of the Boers, which they manifested in the most unequivocal manner.

Did you subsequently succeed in establishing pacific relations with the Caffre and Bosjesmen Tribes ?

Reply. I succeeded in the Year 1793 to establish peace with the Caffre Tribes who had been engaged in hostilities against the Colony, and was even visited by the Chief Toolie in my camp. This will appear by the report sent to Government signed by myself, Mr. Faure, and the Heemraden at Graaff Reinet and Swellendam. I succeeded again to establish peace with the Caffres in the Year 1799, after I had been appointed Commissioner, and to inspire the Caffres with so much confidence that on a subsequent visit to Cape Town I was accompanied by the two Caffre Chiefs Gola and Hendrik. With regard to the Bosjesmen I beg leave to observe that when I was appointed Landdrost of Graaff Reinet I found that regularly every year large Commandos consisting of two and three hundred armed Boers had been sent against the Bosjesmen ; and learnt by their reports that generally many hundreds of Bosjesmen were killed by them, amongst which

number there were perhaps not more than six or ten men (they generally contrived to save themselves by flight), and that the greatest part of the killed comprized helpless women and innocent children. I was also made acquainted with the most horrible atrocities committed on those occasions, such as ordering the Hottentots to dash out against the rocks the brains of infants too young to be carried off by the Farmers for the purpose to use them as Bondsmen, in order to save Powder and Shot. In order to prevent as much as possible such atrocities, the first preparatory step I took was not to allow those Commandos any longer, but to substitute an order that if depredations were committed by the Bosjesmen immediate notice should be given to the next Field Cornet, who was to collect some men and follow the trace of the stolen Cattle for the purpose to recover it and to punish those who were the guilty persons. The character of those to whom such power was necessarily entrusted * made this measure still very reprehensible, and I endeavoured to establish peaceable relations; the Boers declaring this to be impossible lodged a formal complaint against me, stating that I neglected my duty to *extirpate* the Bosjesmen. I found however amongst the Boers one named Pieter Ernst Krieger who showed himself to be better inclined, and I employed him to go with a select party into the country of the Bosjesmen, with directions to procure an interview with some of them, to distribute presents of some Sheep and Beads, to use his best endeavours to dispose them to leave off the commitment of depredations, to give them the assurance that then all hostilities on the part of the Colonists would also cease, and to point out to them that they must have already observed that some changes had taken place, as the general commandos had been discontinued. This was of such effect that from that period the depredations of the Bosjesmen nearly ceased, and the cause that they did not *cease altogether at that time* must be attributed to the circum-

* The principal source of the calamities of the Frontier Districts and of the evil spirit evinced against the Aborigines is to be looked for in the great power with which the Commandants were entrusted, and in their councils of war where their minds were poisoned and inflamed, as these Commandants were chosen from the number of the Boers and were generally men of a rough, hardened and atrocious mind.

stances of some depredating Tribes who were wandering about the country, and who as yet were not acquainted with the events that had taken place. When I came to Graaff Reinet the second time I pursued the same line of conduct, and had the satisfaction of a visit from one of their Chiefs, who received some presents and a breastplate from me, on which his adopted name of Young was engraved, and who remained for a considerable time at my house at Graaff Reinet. It is to be understood that still now and then small depredations were committed by the Bosjesmen who were roving over such an immense extent of country, or by others who were driven to it by necessity owing to the game having been much destroyed by the hunting parties of the Boers, and in seasons of drought the only resources otherwise left to them, such as Roots and Locusts, failing. I have also reason to suppose that the measures I had adopted in the year 1793 had not been so strictly observed during the period between my departure from Graaff Reinet till my return to it in 1799.

Had you occasion to observe the effect of conciliatory measures with the Border Tribes, and did they tend to establish confidence in them ?

Reply. I have had frequent opportunity to observe the effects of conciliatory measures with both Caffre and Bosjesman tribes, and also with those Colonial Hottentots who were engaged in hostilities with the Boers, amounting at that time to about *Seven Hundred well armed Men*, and have invariably found them to succeed and to have been in most instances preferable to the attempt to use force, and in some the only means to preserve the Colony from ruin at that period.

Did the Colonists shew a disposition to support or to oppose pacific measures with the Caffres and Bosjesmen ?

Reply. The Colonists were generally averse to pacific measures. With regard to the Caffres the Colonists had been in the habit of making large booty of Caffre Cattle, and from the Bosjesmen they carried away by means of the Commandos numbers of children whom they were used to keep as servants. Most of the disputes with the Caffres and Bosjesmen might have been settled if the Boers had not always been so eager to form those commandos from which they expected to reap some advantages.

What course was pursued by them, and what was the event ?

Reply. The Colonists shewed great discontent, and complained repeatedly to Government of the restrictions I had put them under, which were however approved of by Government, and then dissatisfaction much increased in consequence thereof. About the same time revolutionary principles had spread throughout the whole Colony, emanating from Cape Town, and the Boers on the Frontiers joined in open insurrection.

Were you appointed a second time to the direction of affairs on the Frontier, and when ?

Reply. I was appointed in the year 1799 by His Excellency General Dundas as Commissioner of the Districts Graaff Reinet, Swellendam and Stellenbosch.

What was the state of affairs within the Frontier, and what relations subsisted at that time with the independent Tribes beyond it ?

Reply. The Frontier Districts were in a complete state of anarchy. The Boers had taken up arms and were engaged in alternate hostilities against Government as well as against a large body of Hottentots who in consequence of the insurrection of the Boers had risen and joined by some Caffre Tribes drove the Colonists before them, killed many who fell into their hands, and plundered and burnt everywhere the places of the Colonists. The other Tribes of the Caffres comprising those who resided some little distance from the Frontiers like Gaika and others took no active part, but had received in a friendly manner those of the Boers who in consequence of their revolt had left the Colony, for instance Buys, Prinsloo, &c., and were not engaged in any hostilities against the Colony. The relation with the Bosjesmen was at that time peaceable, and they took no share in the events of that period.

What was the recognized boundary of the Colony on the Eastern Frontier ?

Reply. The Eastern Limits of the Colony had before that period been extended to the Great Fish River.

Did the Caffre Chiefs and Tribes that were in the occupation of the Zuureveld and in Caffraria evince any disposition to maintain peaceable relations with the Colonists ?

Reply. The different Caffre Chiefs and Tribes generally

evinced every disposition to maintain peace with the Colonists, which is fully elucidated by the circumstance that such of the Colonists as fled from the Colony in consequence of their revolt found an Asylum amongst the Caffres. I beg also leave to observe that in most instances the peaceable relations were disturbed by the acts of the one or the other Colonists, and it is further remarkable that before, during, and after the different hostilities between the Colonists and the Caffres, various persons have travelled unmolested through the country of the Caffres, for instance Mr. S. van Reenen with a party of Colonists traversed Caffraria in search of the wrecked ship the *Grosvenor* between the Years 1792 and 1793.

What were the measures at that time in contemplation for the settlement of the Hottentots, and what were the circumstances that led to their aggregation at Bethelsdorp ?

Reply. The Government had at that time in contemplation to restore land to those Hottentots who did not choose to re-enter the service of the Colonists, by giving them Farm places, and to allow them to reside thereupon under their own Chiefs, according to their ancient custom. It was also in contemplation to give them some assistance, consisting in Cattle, Wheat for seed, and the necessary Implements of Husbandry. By a letter (date 29th January 1800) from His Excellency General Dundas, I received an order to send in a list of such places as were not then actually occupied by the Boers and convenient for the Hottentots, for the purpose that they should be enregistered at the proper office in the name of the Hottentots. It was also in contemplation to form a Militia of such of the Hottentots as would chuse to enlist, from a conviction that they would be more serviceable against the Tribes without the Borders of the Colony than other Military Forces or the Armed Boers. The circumstances which led to the establishment of Bethelsdorp were the following : After tranquillity had been restored a number of Hottentots with their wives and children were at Graaff Reinets, who had taken refuge there during the time of anarchy and hostilities, and were provided with the necessary subsistence by Government. The Revd. Dr. Van der Kemp whom I had seen when I was on a visit to Gaika in Caffraria had also taken up his residence at Graaff Reinets, and commenced to instruct the Hottentots

which he found there, with great success. About the same period two more Missionaries, Mr. Read and Mr. Van der Lingen, had arrived at Graaff Reinet and assisted Dr. Van der Kemp in his arduous task, who proceeded afterwards with the Hottentots to a place in the vicinity of Algoa Bay, partly because the maintenance of that large number of Hottentots at the village of Graaff Reinet was expensive and difficult, and chiefly because there still existed a great irritation between the Boers and Hottentots, and it was thought better to place them on a spot where they could enjoy the protection of the British Military Force and also reciprocally render assistance to that force. Their subsistence, which to the best of my recollection was continued for some time, was also rendered less expensive there, as such as were able to work found employment as laborers in building the fortifications and other buildings at Algoa Bay. Their aggregation was joined by most of the other Hottentots, who were living then in small kraals, with the exception of the Chiefs Klaas Stuurman and Piet, and their followers, of which the first had a place assigned to him at Kleine River and the last one near Zwarteberg.

Do you conceive that the same measures would have been applicable to the Caffre Tribes within the Border, and were the Chiefs disposed for the reception of Teachers at at present ?

Reply. I believe that no obstacle would have arisen from the inclinations of the Caffres. The reason that Dr. Van der Kemp, who made that attempt, did not succeed is to be looked for in the machinations of the Boers and other Deserters who had fled from the Colony and were living with the Caffres at that period, and who were afraid to lose the influence they had acquired with the Caffres. I conceive also that similar measures as those adopted for the Hottentots would have succeeded with regard to the Caffre Tribes within the borders, and they might have become in time of great service to the Colony. In corroboration of this opinion, I beg leave to observe that a petty Caffre Chief named Hendrik had resided for many years within the Colony at the Gamka, and had rendered many services to the Colonists.

Had you any opportunity of observing whether the Caffres who were at that time in service with the Colonists were

generally faithful to their Employers, and what was the effect of their Service or Employment ?

Reply. As far as I have been able to observe, the Caffres who were in the service of the Colonists behaved faithful and were of great use to the Colonists, being excellent Herdsmen. On the other hand they were often treated ill by the Boers, and the wages promised to them not paid, which led to irritation, to many complaints, and to the apprehension of greater evils.

Can you state what were the circumstances that led to the Settlement of the Griquas or Bastards beyond the Limits of the Colony ?

Reply. Having had no relation whatever with the Griquas during my appointments, I have no particular information about them, and am only acquainted with the main fact that they consist of the descendants of such Hottentots, particularly of the mixed race, who possessed some property, were more civilized, and therefore not choosing to enter the service of the Boers, retired in proportion as the Colonists occupied and dispossessed them of the Country, till they fixed their residence beyond the Orange River.

Were any attempts at that time made to aggregate and settle the Bosjesmen ?

Reply. A Missionary, Mr. Kicherer, succeeded in settling and instructing the Bosjesmen. To the best of my recollection Mr. Kicherer left that Settlement on account of ill health, and afterwards made a voyage to Europe.

(Signed) H. C. D. MAYNIER.

[Enclosure 28 in the above.]

Evidence given by MR. WILLIAM FLEMING to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 24th May 1825.

You are a partner I believe in the House of Messrs. Heugh and Chiappini ?

Reply. I am.

Did you conduct any business in Graham's Town during the Caffre Fairs ?

Reply. I was three months in Graham's Town, from

November to January last, while the Fairs with the Caffres were going on.

What quantity of beads were sold by you to the dealers ?

Reply. From the establishment of the Fairs in August to the end of December last, we sold 4,000 lbs. of Coloured Beads at 6 Rds. a lb., and 800 lbs. at 9 Rds. a lb. We sold also Brass Wire and Buttons to the value of 1500 Rds., amounting altogether to 32,700 Rds.

Had you the sole supply of Beads within the period mentioned ?

Reply. We had not. I think about half the foregoing quantity of these Articles may have been supplied in addition by other Merchants.

Did you make many purchases of the articles received in exchange from the Caffres ?

Reply. We were paid by the Dealers for our Beads &c. in the Articles received from the Caffres, consisting of Ivory, Gum, and Hides, and we also purchased in Cash a further quantity of those Articles.

Can you state the quantity of Ivory, Gum, and Hides purchased by you ?

Reply. I cannot state the exact quantity, but will refer to our Books.

What quantity of those Articles generally may have been received from the Caffres in the period above mentioned ?

Reply. I was informed by the Market Master at Fort Willshire that he had weighed 39,524 lbs. of Ivory between the 18th August 1824 and the 15th January 1825, and that he estimated the other Articles received from them at 16,800 lbs. of Gum and 15,000 Hides. The other Articles purchased were Caffre Corn, Baskets, and Mats.

Can you state the price of these Articles valued in the Beads exchanged for them ?

Reply. I have no information on that subject, but I understand there has been much competition amongst the Dealers, and that the Caffres had latterly made better bargains and that some had taken away their articles till they could obtain a larger quantity of Beads in exchange for them. The Caffres are considered to be very shrewd in their Transactions, and the Profit of the Dealers (from the high price of the Beads)

cannot have been considered much more than a remuneration for their Trouble.

What prices have been given by the Merchants for the Articles purchased from the Caffres ?

Reply. For Ivory on an average about 2 Rds. a lb., Hides about 4 Rds. apiece, and Gum 1 Skilling a lb. These are also the Cape Town prices.

What were the prices at which Beads were sold before the establishment of the Fair in August last ?

Reply. About 6 Skillings a lb. in Cape Town and 1 Rd. a lb. in Graham's Town, and from the quantity commissioned from England it may be expected that the prices will be again reduced to this level.

Are you aware whether any considerable quantity of Beads &c. has been recently imported ?

Reply. About 15,000 lbs., which are still selling at the high rate of 9 Rds. per lb. They were sold in Cape Town for 4 Rds. per lb.

Have you any information of the progress of the Trade since January last ?

Reply. The dealings had been in some degree checked from the want of Beads, but some good Fairs had been latterly held. Ivory in the same proportions had continued to be received, and also Hides. The Merchants have been less desirous of purchasing the Gums until they have ascertained the state of the Market for them in Europe. It is generally the opinion that even a greater quantity of Ivory would have been received if the beads had been more abundant and cheaper.

(Signed) W. FLEMING.

[Original.]

Letter from MR. D. P. FRANCIS *to* R. WILMOT HORTON, ESQRE.

5 JEFFREYS STREET, KENTISH TOWN, *May 25th* 1825.

SIR,—The Letter I had the honor of transmitting to you yesterday to lay before Lord Bathurst I trust I have no occasion to repeat was dictated solely by Necessity, as I can assure you Sir it is impossible anything but the fear of immediate

proceedings against me for a sum of money, which at present I am unable to pay, could have induced me to make such an explicit exposure of my real Situation, but when I considered that my present difficulties had been occasioned by no improper conduct of my own, I conceived there could be no just reason why I should from a false pride not avow those difficulties.

I had the honor of receiving a communication from you to-day, through the medium of Mr. Smith, who stated that my papers were now before Earl Bathurst, and that as yet no report had been received from the Commissioners of Inquiry at the Cape.

Mr. Smith also stated that you had expressed your sincere regret for the unpleasant situation I was placed in, and that he was authorised to say if a small sum of money would be of service to me you would be willing to advance it.

I cannot but express my sincere thanks for your very kind and disinterested offer to one who had no earthly Claim upon you, and can only appreciate the act as I feel it is intended, and purely emanating from benevolent feelings.

And however averse I should feel in other Circumstances to place myself under an obligation to any one whom I had no Claim upon, I cannot hesitate to accept your kind offer on this Occasion, conceiving it at the same time to be in no way connected with my Case now before Lord Bathurst, as I apprehend you wish it to be considered in the nature of a private loan.

As I have made you, Sir, so far acquainted with my circumstances I feel less reluctance in mentioning my immediate Difficulty, which is a debt that must unavoidably be discharged without delay, amounting to near £80, this together with the immediate call for a few pounds for other necessary purposes obliged me to propose for the Loan of £100 for a few weeks, if nothing should be done in my Case before Lord Bathurst in the mean time.

I have taken the liberty of forwarding this Letter and will do myself the Honor of calling in Downing Street to-morrow, and trust under the above circumstances no further apology will be deemed necessary for the intrusion. I have &c.

(Signed) D. P. FRANCIS.

[Original.]

Letter from the REVEREND WM. GEARY *to* R. WILMOT
HORTON, ESQRE.

6 SOMERSET PLACE, ALBANY ROAD,
CAMBERWELL, 25th May 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 21st Inst., and in reply to the former part of it, beg the favor of your expressing my thanks to Earl Bathurst for his kindness in releasing me from the claims of the Agent for the Colony of the Cape of Good Hope.

With reference to the other part of your communication with which I am favored, I take the liberty of saying, that the deliberation which it has excited has occupied a little more time than it would have done, had it involved only the fate of an individual. Circumstanced, however as I am, and considering of what extreme importance it is to my family that I should obtain *immediate* employment, I feel no hesitation in accepting the situation on the Gold Coast, held out to me by Earl Bathurst, on the proviso which his Lordship himself has had the goodness to annex to his offer, namely, “that His Lordship will have no objection to remove me from thence whenever there shall be an opening for employment in any other Colony.”

But, looking at the peculiar unwholesomeness of the Climate, the late mortality which has depopulated that country, and its political aspect, I am persuaded his Lordship will be prepared to expect something of the nature which I have now the honor of submitting to him, namely, that in case of my falling a victim to war, disease, casualty, or professional exertion, may I solicit that his Lordship will be pleased to consider my Widow, burdened as she will be with four children, as an eligible object for a pension ?

I presume that the noble Secretary of State will have no objection to grant me a free passage out, and as little, (apprised as his Lordship is, of the cause of my reduced circumstances), to advance me a part of my Salary to enable me to equip myself for my destination with as little delay as possible.

May I request the favor of being informed, if any residence and glebe are annexed to the 2nd Chaplaincy on the Gold Coast ? I have &c.

(Signed) WM. GEARY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 26th May 1825.

MY LORD,—At the request of the Ambassador of the Netherlands I have to desire that your Excellency will cause the accompanying Judicial Document to be served upon Mrs. Alida Anna Johanna Kuchler Widow of M. Justus Hendrick Pfeil residing at the Cape. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 26th May 1825.

MY LORD,—I have the honor of acquainting Your Lordship that I have caused to be shipped on board His Majesty's Ship *Andromache*, Captain P. R. Moorsom Commander, Fifty Four Aums and Forty Two Half Aums of Constantia Wine directed to Your Lordship as per enclosed List. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 27 May 1825.

MY LORD,—It has been represented to me that Mr. Crozier who has acted as Cashier to the Discount Bank since the year 1808 is anxious for reasons connected with his health to be

relieved from the great responsibility which attaches to his employment, to exchange his Office for some other Situation under your Excellency's Government; and I beg leave to acquaint you that in consideration of the very favourable testimony which I have received in favor of Mr. Crozier's character, it will give me pleasure to learn that your Excellency can make some arrangement for meeting his wishes.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 27 May 1825.

MY LORD,—Having deemed it highly necessary to call upon the Civil Auditor General to afford every explanation in his power with regard to the examination and Audit of the Accounts of the Bank and Receiver General's Office for the period during which the defalcation in the Revenue of the Colony took place which I reported to Your Lordship in my Despatch of the 18th April last, I have now the honor to transmit to Your Lordship a Copy of Mr. Bentinck's Reply.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

AUDIT OFFICE, 3 May 1825.

SIR,—In answer to your letter of the 25th April on the subject of a defalcation in the revenue of Rds. 36,277 2 2 in the year 1814, being the profit of the Bank for the preceding year, paid into the Treasury on 17 Jan. 1814, I have the honor to state for the information of His Excellency the Governor, that in consequence of my absence on leave from January 1812 until May 1814, (which includes the time when the

defalcation occurred) it will be perceived that I did not personally superintend the duties of the Audit Department at that particular period.

During my absence Major Munroe acted as Auditor, and I conceived all the duties in that interval had been duly executed by that gentleman, who had already filled the same Situation from the Capture of the Colony in January 1806 until my first arrival in December 1808.

After minute Search no Account of the profits of the Bank for the year 1813 can be found in this Office, whilst the Duplicates of the Accounts of the Bank for the preceding and succeeding years are all found complete. I am inclined to think that no such account ever reached this Office.

And further upon reference to the Colonial Secretary's Office I learn that there exists no record that the usual authorities were ever issued to the Cashier of the Bank to pay nor to the Receiver General to receive, the particular Sum in question, nor is there any Entry of the Sum in the Book of General Receipts kept in that Office, though it is proved by the receipt of which the enclosed is a Copy, that Mr. Crozier, the Cashier, actually paid the Sum of Rds. 36,277 2 2 into the hands of the late Deputy Receiver General F. R. Bresler on the 17 January 1814, whose death precludes my obtaining further information in that quarter.

The accounts for 1814 were duly examined as brought into this Office, the detail of the first quarter was already investigated by Major Munroe, and the Books of the Receiver General's Office examined as usual by him and H.M. Fiscal. At that time no General annual account was either formed in, nor sent to this Office.

I think it material to observe that the Treasury Instructions, directing the forming of comparative statements of the Revenue, did not come to hand until July 1816, had it already been the practice to make such comparative statements previously to the defalcation, there is every reason to believe that so material a difference, occasioned thereby, would have been apparent.

I have &c.

(Signed) WALTER BENTINCK, Auditor General.

[Copy.]

Letter from R. WILMOT HORTON, ESQRE., to MR. JOHN CARNALL.

DOWNING STREET, 27th May 1825.

SIR,—In answer to your letter of the 20th instant, I am directed by Earl Bathurst to inform you that his Lordship is not prepared to direct the immediate remission of your sentence, and that it is not in his power to give you the full pecuniary compensation which you request for the losses which you alledge yourself to have sustained.

In communicating to you this information, I am directed to observe that Lord Bathurst has received no information whatever respecting your case, which would justify him in the slightest degree in reversing the decision of judicial proceedings, of which he has no record in his possession, and of which he knows nothing except from your own statement. Whenever such information shall be received (for which his Lordship will immediately apply) it will then be in his power to give a decided answer to your application. I am &c.

(Signed) R. W. HORTON.

[Copy.]

HANSARD'S *Parliamentary Debates.*

27 May 1825.

Oppression at the Cape of Good Hope—Petition of
John Carnall.

Mr. *Hume* rose, to present a petition from a person of the name of Carnall, complaining of a series of acts of oppression to which he had been subjected at the Cape of Good Hope. When an Englishman went to any of our colonies, he imagined that he carried with him the rights of a British subject, but in this expectation he was sorry to say that he would, for the most part, find himself entirely deceived. The will and pleasure of the governors of colonies became the law of the land, and if any individual was unfortunate enough to incur

the displeasure of a governor, he was almost sure to be made the victim of the most arbitrary and tyrannical oppression. Of this truth, the circumstances detailed in this petition, which were supported by the affidavit of the petitioner, afforded a striking illustration. The oppression to which this petitioner had been subjected, was of such a nature as to call loudly upon the legislature to institute an inquiry into the general system of our colonial governments, by which the liberty, the property, and even the lives, of his majesty's subjects were made dependant on the arbitrary will of the governors. It was necessary to state to the House, that the petitioner first became acquainted with a person of the name of Edwards, who practised as a notary at the Cape of Good Hope, in consequence of his having been summoned as a witness in a trial in which Edwards was concerned. On the 17th of September, Mr. Edwards was on his way from the Cape of Good Hope, in order to embark for Botany Bay, to which place he was sentenced to be transported for seven years, for having written a letter to lord Charles Somerset, in which he claimed redress for some alleged grievances at the hands of that governor. He had in his possession all the papers connected with this transaction, and he should be able, in a few days, to lay before the House a full statement of all the circumstances under which this iniquitous sentence was inflicted. Mr. Edwards, attended by the police officer, stopped at the petitioner's house, to take breakfast, and during the whole of this time the petitioner had no communication whatever with Edwards, except in the presence of the officer. Mr. Edwards had occasion to retire after breakfast, and some time after, it was ascertained that he had made his escape. The petitioner declared that he was in no way accessory to this escape. At the time Mr. Edwards was about to embark, he was informed that lord Charles Somerset had, in a letter to the governor of the colony, instructed him to put him upon hard labour, and other degrading offices, which his pride and feelings as a gentleman, and a man of education, could not brook; and it was this circumstance, he believed, which had induced him to attempt to make his escape. On the news of Edwards's escape, a party under the orders of his majesty's Fiscal, proceeded to the petitioner's house, and took him into

arrest. The petitioner sought in vain to obtain a sight of any legal instrument or warrant by which he was arrested ; he was dragged from his home, conveyed to Cape Town, and confined in a cell 10 feet by 12, from the 17th of September to the 24th of December. He would ask, what would be the feelings of any honourable member, who should thus be dragged from his home, and conducted to a cell of the dimensions he had described, with no other bedding than the mattress on which the dead were stretched, and that swarming with vermin ? Yet, there was no man, whatever might be his property, or station, who was not liable, under the present system of our colonial governments, to be oppressed by the arbitrary will of the governor. The petitioner was subject to fits, and was afflicted with some severe paroxysms during the first ten days of his confinement. Under such circumstances, all assistance was refused to him, and he was not permitted to have the slightest communication with his family. On the second day he was furnished with a pen, but for the first ten days no one was allowed to enter his cell, even for the purpose of shaving him. By the Dutch law it was not in the power of the governor to keep any man in confinement for a longer period than eight days without bringing him to trial. This law was utterly disregarded in the case of the petitioner. He begged to call the attention of the House to what followed. There was no principle in the English law more clearly established, than that an individual who had been tried on a criminal charge and convicted, could not be tried again for the same offence. This principle had been set at defiance in the petitioner's case, for the sole purpose of aggravating the severity of his punishment. He was brought to trial before two Dutch justices, and found guilty of having assisted the escape of Edwards. But, upon what evidence was he found guilty ? The House would be astonished to learn, that a man of high respectability, possessing considerable property in the colony, had been found guilty, on the testimony of his own slave girl, who had been compelled to give evidence against her master, under a threat of severe flogging, if she refused to comply. Such was the tyranny of lord Charles Somerset, that if any man ventured to open his mouth to object to his conduct, he was liable to be deprived of his liberty and his property, and to be persecuted

even unto death. The petitioner was sentenced to a fine of fifty rix dollars, and one year's banishment from the colony. It might have been supposed, that this was sufficient to satisfy the rancour of his persecutors ; but his majesty's fiscal, not satisfied with this punishment, appealed to another jurisdiction, and again brought the prisoner to trial. On this second trial he was sentenced to five years transportation to Botany Bay. Upon appealing afterwards against this additional punishment, the governor, in his clemency, commuted it to five years banishment from the colony. He was further compelled to deposit a sum of 2,000 rix-dollars, by way of security for his compliance with the terms of his sentence, and this money had been detained up to the moment of his embarkation for this country. Even supposing the charge against this petitioner to have been true, the punishment was such as could not, by the Dutch law, be legally inflicted. The petitioner declared, that the power of his majesty's fiscal was of such terrific magnitude, that any man who was unfortunate enough to incur the displeasure of the governor, was sure to be tormented by the forms of law, deprived of his property, and compelled to leave the colony. The petitioner had returned penniless to this country ; he had applied to the government to obtain copies of the proceedings against him, but all documents had been denied him. He (Mr. H.) called upon the honourable Secretary opposite, to state the grounds on which the colonial department had refused to furnish the petitioner with the means of obtaining redress for the injuries of which he complained. There existed at the Cape a sort of society, under the administration of lord Charles Somerset, wholly inconsistent with all good government. He did not blame that noble person so much as the government at home, for allowing him to remain there ; and the House of Commons would be much to blame if they tolerated his continuance after this statement. He was ready to prove those facts before a committee ; and lord Bathurst, also, had much to answer for, if, as he believed, all these acts were known at the Colonial Department. The case of the petitioner was well worthy of inquiry. He was entitled to the amplest pecuniary compensation for the loss he had sustained ; reparation for all the other wrongs and degradation he had endured, it would be impossible to make

him. He had simply confined himself to this particular case ; but, if an inquiry were instituted, the House would learn the gross oppressions which that colony had suffered, was suffering, and seemed doomed to suffer, under lord Charles Somerset's administration.

Mr. *Wilmot Horton* said, it was not his intention to enter into the merits of the particular complaint which had just been stated by the honourable member ; but the honourable member had inculpated the colonial department, and to that part of the case he begged to address himself. The honourable member complained that the petitioner had been subjected to certain punishment, having been convicted in a court of justice for having contributed to effect the escape of a prisoner under sentence of transportation. This was the complaint. Now, he would ask, was this the act of the governor ? By no means. The petitioner was regularly convicted in a court of justice, and sentenced to transportation ; and how the governor must necessarily be mixed up in the case, he was quite at a loss to conceive. The petitioner had applied to the colonial department for redress ; but, he would ask the House whether it was the duty of those at the head of that branch of the government, to take the single testimony of persons like the petitioner, and upon his evidence alone to order the remission of the sentence ? If such a course were to be pursued, it would be quite impossible that the government of any colony could be carried on. All that they could or ought to do was, to investigate into any allegation of practical injustice, and afford redress ; and, upon this part of the subject he prayed the attention of the House. They all knew very well the extent to which accusations against the government at the Cape had been promulgated. If the honourable member supposed that the colonial department were ignorant of those charges, he was much mistaken ; for since the 1st January, 1824, there appeared in one newspaper, no less than twenty-four inculpatory articles, and surely this was warning enough. But, what were the facts of the case ? In the year 1823, commissioners were sent out to the Cape of Good Hope. Did the honourable member propose to cast any aspersions on their character, or for one moment doubt their integrity ? Did he say they were improper persons to be intrusted with

such a charge ? If they should prove to be so, which he could not believe, then was the government greatly deceived. They had received certain instructions upon which they were to act, and they were to report the result of their inquiries to the government ; but if, in the pursuit of those inquiries, any accidental delay had taken place, in consequence of sickness, or death, or in any other manner, the government was not to be blamed. They were sent to the Cape for the purpose of introducing a change in the Dutch law, with a view to assimilate it to the law of England. And, could such an important change as this be effected in a moment ? He begged to remind the House, that they had to investigate the nature of the Dutch law and its administration, and to report to the executive government, the necessary information, with a view to remedy the abuses. At the very moment when this act was alleged to have been committed, there were commissioners actually in the colony investigating the law in question. He was very far from deprecating inquiry. On the contrary, as soon as the report of the commissioners should be received, he would lay it on the table. The House would be surprised at the mode in which these applications were made ; and, indeed, the honourable member for Aberdeen was in some degree responsible ; but it was impossible to credit the numbers of insulting applications made to the colonial office. All he asked the House was, to suspend their judgment until the report was received. The report, in one case, had been already received—he meant in that of Edwards ; and if any gentleman wished to move for its production, he was ready to lay it on the table. In the particular case before the House he begged to state all he knew of it. The petitioner first laid his case and diary before lord Bathurst, and he himself (Mr. W. Horton) told him, if he had a specific complaint to make, to draw it up. The petitioner then wrote a letter to lord Bathurst, in which he complained, that “ the injustice he had suffered had no parallel, and that nothing short of a remission of the sentence and a full pecuniary compensation would satisfy him.” To this application an answer was given him, “ The lord Bathurst had received no information respecting the judicial proceeding but from his own statement.” The commissioners would include this case in the general report of the adminis-

tration of justice ; and of course, if a defect were found in the system, it would be remedied.

Sir *M. W. Ridley* said, he had received information respecting one of the commissioners, who had been in such a state of health as entirely to unfit his mind for pursuing the inquiry. If the whole country were searched for a man of the utmost assiduity, ability, and integrity, he did not know of one more qualified than Mr. Commissioner Bigge.

Mr. *Hume* said, that the government at home should insist, that whenever a complaint of this nature was made, in which the rights of a British subject had been violated, the governor should be bound to send home all the documents connected with the subject. If that rule were enforced, they would hear of fewer complaints.

Ordered to lie on the table.

[Copy.]

*Letter from JOHN GREGORY, ESQRE., to LAND SURVEYOR
TULLEKEN.*

CAPE TOWN, 27th May 1825.

SIR,—I have this day received and laid before His Majesty's Commissioners of Inquiry your letter of the 24th Inst. stating your inability in consequence of illness to repair to Cape Town in pursuance of their summons.

The Commissioners have directed me to lose no time in repeating to you that the inconsistency of one part of your first Evidence with that which you last transmitted, as well as the discrepancy between your own evidence and that of other Persons who were at Clanwilliam at the time the survey of Mr. Parker's Land took place, is so great, that it becomes absolutely necessary that they should examine you in person with the least possible delay, as the Reports they have been called upon to make to His Majesty's Government in England are delayed solely in consequence of the inconclusive nature of your evidence.

Under these circumstances I am directed by the Commissioners to desire that if you should be really unable to repair

to Cape Town immediately, you will transmit to me by return of Post or by any other earlier opportunity, a certificate from the Surgeon of your District declaring your inability to leave Worcester. I have &c.

(Signed) JOHN GREGORY.

[Copy.]

Average Value of the Cape Rix Dollar, as ascertained by the Exchange of Commissariat Bills on England, in each year, from 1808 to 1825.

	s.	d.			s.	d.
1806 . .	4	-	} *	Average Exchange in 5 years, from 1806 to 1810 inclusive	3	6
1807 . .	3	9				
1808 . .	3	3½				
1809 . .	3	4				
1810 . .	3	2½				
1811 . .	2	9½	} *	Average Exchange in 5 years, from 1811 to 1815 inclusive	2	6
1812 . .	2	8¾				
1813 . .	2	6¼				
1814 . .	2	3½				
1815 . .	2	3				
1816 . .	2	1	} *	Average Exchange in 5 years, from 1816 to 1820 inclusive	1	10
1817 . .	1	9¼				
1818 . .	1	9				
1819 . .	1	10¼				
1820 . .	1	9				
1821 . .	1	8	} *	Average Exchange in 5 years, from 1821 to 1825 inclusive	1	6½
1822 . .	1	5¼				
1823 . .	1	6¾				
1824 . .	1	5½				
*1825 . .	1	6				

* The average Exchanges for the years 1806 and 1807 have been assumed, there being no commissariat record from which the actual rates could be ascertained; and the rate of 1s. 6d. for the year 1825 has also been assumed.

(Signed) JOHN GREGORY, Sec.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 28 May 1825.

MY LORD,—Several Settlers in the Albany District having made application to me to support their prayer to Your Lordship for the grant of an annual Stipend for the Wesleyan Minister that may be appointed to the Chapel established in Albany, I have the honor to transmit herewith a Copy of the Memorial presented to me with that view, for your Lordship's consideration. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Memorial of Wesleyans in Albany.

To His Excellency the Governor the General Commander in Chief Lord Charles H. Somerset, Cape Town.

MY LORD,—May it please your Excellency, We the undersigned being a considerable portion of the Settlers Inhabitants of the North East part of the province of Albany, very seriously impressed with the importance of the Subject of this Memorial, make free to say, that for a long time we were unprovided with any place of public Worship, until the protestants of the Revd. Mr. Wesley's connection, provided chiefly by Subscription a most convenient Chapel in the best Situation for the present population of these parts, fitted with pews, seats &c., and they have also supplied this Chapel with respectable Preachers, but the great call for preaching the Gospel amongst the Heathen nations in this Country so greatly pressed upon them, that it is found very laborious and difficult at all times to supply this Chapel with regular Clergymen, and being anxious to have a regular Ministry established amongst the Multitudes desirous of enjoying its benefits, We Your Excellency's Memorialists beg that you will have the goodness to use your deservedly powerful interest with the most Honorable the Secretary of State Earl Bathurst, to procure the grant of an annual

Salary for the Support of a Wesleyan Minister for this Chapel, in which the Liturgy of the Church of England is regularly used, upon the plan already happily introduced in the appointment of a Minister of the same denomination to the Salem party. Your Excellency's Memorialists are encouraged in the presentation of this petition knowing that upon its being acceded to a Minister would be immediately obtained. And we have the honor to be Your Excellency's Humble Servants.

(Signed)

MILES BOWKER	ROBT. WOODBAGOT
T. MITFORD BOWKER	THOS. BERRINGTON
W. MONKHOUSE BOWKER	R. W. DUNN
MILES BRABIN BOWKER	R. STOCK
T. HOLDEN BOWKER	THOS. JENKINS
C. T. THORNHILL	W. H. WILLIAMS
W. GILFILLAN	W. HANCOCK
T. THORNHILL	W. R. PHILPOT
C. MACKAY	JAMES WEEKS
JOSEPH WALKER	CHARLES DEANE
P. S. LUCAS	JOHN SANDERS
RICHD. ATTWELL	WILLIAM COOK
JOHN MOODY	JOHN HEARTEMAN
WM. BEALE	JOHN JAMES
CHAS. ADAMS	RICHARD RALPHS
THOS. NISBET	JOHN BUCKLY
J. GRANT	JOHN IVATTS
RICHD. TAINTON	GEORGE FLOOKS
F. BLACKBEARD	CHRISTOPHER WEDDERBURN
WM. ROBERTS	GEORGE WEDDERBURN
HENRY KING	JAMES NEWVEN
PHILIP KING	RICHD. WALKER
WILLIAM RICHARDS	JAMES WHITE
P. PINNOCK	JOHN STYLE
R. WICKS	J. J. LAPPAN
JOHN SMITH	THOMAS WILLIAMS
JOHN BLAKEMORE	JOHN STANFORD
J. RICHARDSON	C. EVANS
RICHD. SIMPSON	THOS. JARMAN
HENRY WARNER	W. FORWARD

JAMES D. EVA	C. MESSER
J. ECCLES	S. BROWN
WM. DINTON	RICHARD HULLY
J. BEARDMORE	ELISHA PAIN
JEREMIAH LONG	JOHN STAPLES
JAMES LONG	JOHN HOULT
GEORGE CLAYTON	MARK ELLIOT
JOSEPH MELDENHALL	J. WAKLIN
PHILIP HOBBS	FRANCIS ALLISON
JAS. HAYWARD	T. PIKE
T. WARREN	G. HODGKINSON
J. WARREN	JOSEPH WRIGHT
J. USHER	WILLM. WRIGHT
J. USHER	GEORGE MAGGLESTON
BENJAMIN TROLLIP	HENRY SHEPHERD
SAMUEL JAMES	JOHN MORRIS
WILLIAM TROLLIP	JOHN BRADFIELD Sr.
JOSEPH TROLLIP	JOHN BRADFIELD Jr.
JOHN TROLLIP	JOSEPH BRADFIELD
S. TROLLIP	EDMOND BRADFIELD
JACOB TROLLIP	J. H. HEATH
THOS. HARTLEY Junr.	DAVID CAWOOD
PETER VALLENTINE	S. CAWOOD
C. BILGON	W. CAWOOD
HENRY FIELD	J. CAWOOD
G. BARON	JOHN CAWOOD
W. PIKE	CHARLES HEYMAN
BENJAMIN KEETON	GEORGE WATSON
T. TORR	GEORGE GATEHOUSE
EDWARD TIMS	W. BARCLAY

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 28th May 1825.

MY LORD,—Upon the receipt of Your Lordship's Despatch of the 15th June last, I lost no time in making enquiry relative to the value of the Dutch Ship *Amsterdam* alluded to in the

correspondence therein enclosed, but I regret that the result of my endeavours to procure the information required has been unsuccessful. Having referred the matter to the Judge of the Vice Admiralty Court, I received a letter, of which the enclosed is a copy, from which it appears that the Records of his Department show no light on this point, but as I am informed that Mr. William Proctor Smith, who held the office of Naval Commissioner here at the cession of the Cape of Good Hope in the year 1803, and who now resides at Plymouth or Devonport, will be able to state what Ships were transferred to the Dutch by Sir Roger Curtis, the Vice Admiral on this Station at the time, and will probably have it in his power to afford some information relative to the Sale of the Dutch Ship *Amsterdam*, I trust that the Information Your Lordship requires may be obtained from that gentleman. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from MR. HENRY ELLIS to R. WILMOT HORTON, ESQRE.

TUNBRIDGE WELLS, May 28th 1825.

DEAR HORTON,—The following is the substance of my knowledge respecting Mr. Francis.

Mr. Francis belonged to one of the parties located at Clanwilliam; he is fully borne out in his statement that the lands were found inadequate to maintain the parties there located, and that an offer was made to them by the Governor to be conveyed to Albany, to be there located, and to receive rations gratis for a certain period. The bona fide intention of the Governor was to take every means, by favored selection of lands and by supply of rations, to remedy the error that had been committed in placing those parties at Clanwilliam. If the future proceedings were not in conformity with this intention, I must in fairness say that there is just ground of complaint.

The memorandum of the particular grant alluded to by Mr. Francis was made on Sir Rufane Donkin's second visit to the interior, and therefore subsequent to my departure from the Colony.

There can be no question that great inconvenience and loss was sustained by the parties unfortunately placed at Clanwilliam, but it was considered that a change of location and the gratuitous supply of rations would have been a compensation. If this compensation has been withheld the loss and inconvenience remain unmitigated. I perhaps ought to add that I individually was no party to the selection of Clanwilliam, but that the mode of compensation was my suggestion, and its adoption at the time prevented consequences that might have endangered the peace of the district.

The selection at Clanwilliam originated in the best intentions, and the unfitness of the lands would I always considered have been brought in sufficient time under the notice of Government had the inspecting officer faithfully performed his duty.

I am &c.

(Signed) H. ELLIS.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 29 May 1825.

MY LORD,—I have the honor to acquaint your Excellency that for some time past I have not received the usual monthly Returns of the Staff Officers, and other Officers and Rank and File of the several Corps serving on the Station under your Command.

I have, therefore, to desire that your Excellency will take measures for ensuring the regular transmission of those Returns in future.

I avail myself of this opportunity also, to acquaint your Excellency that I have not received the General Returns of the Civil Establishments &c. of the Cape of Good Hope for the preceding year. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 30th May 1825.

MY LORD,—I transmit to your Excellency herewith enclosed a communication which has been received from the Board of Treasury upon the subject of the debentures which the Receiver General of your Government was authorized to issue under the authority of your Excellency's Proclamation of the 21st of June 1822: and I have to instruct you to take measures without delay for revoking that Proclamation and for transmitting to me an account of all debentures now outstanding. Your Excellency will likewise comply with the suggestion of the Lords Commissioners of His Majesty's Treasury not to issue any further amount of such Debentures; and I have also to desire that you will transmit to me for their Lordships' information the statements and accounts which are required relative to the Lombard Bank. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* MR. CHARLES D'ESCURY.

DOWNING STREET, LONDON, 30th May 1825.

SIR,—On receiving your letter, in which you appear to make a charge against Lord Charles Somerset, of corrupt practises in the sale of a horse, I directed the Commissioners to lose no time in ascertaining the truth of the allegation.

On being called upon to make good the charge, you denied having had an intention of making any. But with this denial the Commissioners were, very properly, not satisfied. They proceeded in their enquiry: and having taken their report into consideration, I have not found any evidence to prove the truth of your allegation, although there were, undoubtedly, circumstances in the transaction, which taken separately, and left unexplained, might have created suspicion. In your

official situation, you could (in several instances) have obtained these explanations before you brought forward the charge, and there were many reasons which should have induced you to use more than common caution in bringing a charge against Lord Charles Somerset.

You had recently applied for an official favour, and His Excellency had (properly in my opinion) refused it. In this situation it ill became you to be eager to become his accuser. Had you been able to substantiate your charge, the personal provocation under which you made it, would have deprived you of the merit of having discharged a public duty; having failed in your proof, you cannot escape censure, but as you may have been misled by others, who being aware of the keen sense of your disappointment, made you the instrument of their ill-will; and as your official conduct and general deportment is represented by the Commissioners to be meritorious, I shall not be disposed to take any further notice of the part which you have taken in this transaction. I am &c.

(Signed) BATHURST.

[Copy.]

Letter from a number of British Settlers to
MR. WILLIAM SHEPHERD.

GRAHAM'S TOWN, *May 30th 1825.*

SIR,—Understanding that you have been the medium of Communication with His Excellency the Governor on the part of several of the Settlers who from different causes left their Wives, Children or Relatives in Britain, and who are now desirous (by being placed in a situation to support them) of having them sent out to this Colony through the assistance of the British Government,

We the Undersigned feel no hesitation in stating that we highly approve of the application, and sincerely hope that it will be acceded to, as independent of the good feeling of reuniting those who have been so long separated, it will be one means of encreasing the Working Class of the population, (a measure so extremely desirable) and by persons of the best

description, as they will have an immediate home to receive them, and be quickly taught the habits of the Country.

As it is your intention to proceed to England for the purpose of making arrangements with Government, we wish you success, and at the same time beg to state, that, as your Character and Conduct during the Five years you have lived in this Colony have been so exemplary, we are confident you are eminently qualified to be entrusted with the arrangement of such an important measure.

(Signed) THOMAS PHILIPPS
JAMES COLLIS
W. CURRIE
ALEX. BISSET
C. MACKAY
C. T. THORNHILL
GEORGE BARKER, Missionary
H. SEPHTON
JOHN CENTLIVRES CHASE
A. KIDWELL
C. STONE
DUN. CAMPBELL
GEO. PIGOT
A. A. O'REILLY, B. Major
W. A. CRAUSE
F. HOPE
RICHD. DANIELL
THOS. PULLEN
J. C. WHITEFORD
F. EVATT, Comdt. and Resident
Port Elizabeth.

[Copy.]

Letter from MR. J. A. TULLEKEN to JOHN GREGORY, ESQRE.

WORCESTER, 31st May 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 27th Inst. requesting me, that if I should be really unable to repair to Cape Town immediately, to transmit to

you a Certificate from the Surgeon ; in compliance with the same I beg leave to enclose herewith a certificate by which it will appear that I am still unable to perform a journey to Cape Town at this moment. I have &c.

(Signed) J. A. TULLEKEN.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 1 June 1825.

MY LORD,—In consequence of a representation from the Reverend Thomas Ireland, Government Chaplain of Graham's Town, of the interference of the Wesleyan Missionaries in his Duties, by baptizing the Children of British Settlers in that Town, I felt anxious with a view to give every facility to the Wesleyan Ministers who have always conducted themselves with the greatest propriety in this Colony, to issue some Regulations which would allow of their performing the Rites of Baptism on the Children of all such Parents who might require it without interfering with the Rights and Privileges of the Minister of the Established Church within that District.

I therefore issued the Regulation of which I annex a Copy, in the hope that it would be satisfactory to all Parties, but your Lordship will perceive by the enclosed Copy of a Memorial which I have this day received from the Wesleyan Missionaries in Albany that they are of opinion the Restrictions I have imposed are incompatible with the established Customs and with the principles of the toleration Act.

Upon this subject I have only to say that I have endeavoured to reconcile the Interests of both Parties, and I shall be most anxious to hear from Your Lordship whether I have interfered with the Rights of the Wesleyan Missionaries on this occasion, and should that be the case I shall be perfectly well disposed to give them redress.

Your Lordship however will understand that the Restrictions imposed upon their performance of the Rites of Baptism on the Children of British Subjects of the Church of England, do not

apply to those Missionaries in the Interior, but merely within the limits of such Places where a Clergyman of the Established Church has been appointed, and which may be considered as his Diocese.

It was my intention to have made these Regulations general for all the Missionary Societies in this Colony, but I shall now await Your Lordship's commands on the subject.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

GRAHAM'S TOWN, *February 7, 1825.*

MY LORD,—I beg your Excellency will excuse the liberty of my bringing the contents of this letter to Your Lordship's notice.

Actuated as I trust I am by no improper feelings towards the person of whom I shall speak, and feeling as I do a great interest in everything that concerns the rights of our church, I am forced to complain of an intrusion upon its discipline, and to ask your Excellency's support, to guard and protect its cause. Your Lordship will perceive I allude to the baptism of some children of persons in this District by S. Kay inserted in the *Gazette* of the 29th ulto. among the baptisms by the Clergy of the Established Churches. And Your Lordship will I hope, pardon me if I express my belief that he has taken upon himself the execution of a power to which he is not entitled, and for which he has no authority. If this person wishes the community to understand that he is of the Church of England, for he has said, That the children were baptized according to the rites of the Church of England, the decree of our church in the Convocation of 1575, and the rubric of the baptismal service, must convince him that it does not admit of lay baptism, and I suppose he has not received Episcopal Ordination. If on the other hand he is not of our church then how can he justify himself in the use of a service for those only who are made, ordained, and consecrated, according to the order of the Church of England and Ireland. In either way the proceedings of S. Kay cannot be approved.

But if he My Lord make use of our service then that service must have his approval, and he cannot deny the validity of our baptisms ; a disapproval of our service should be the plea for interference, for I am sure if the inquiry be made, Your Lordship will not find the Chaplain has refused to perform the duties of his Office, to any who have applied to him, it will follow in my opinion, that he has done that to which he had no right.

Your Lordship will, I hope, permit me to add further, that he ought not to interfere with the professional duties of any established Church, when there is so large a field for him as a Missionary, a Field which will afford sufficient employment for all his labours. Is it, that there is something more satisfactory in making divisions among Christians, than in making converts among the heathen, that is the cause of such interference. I hope not, nor can I believe that the Missionaries are sent out from England for this avowed purpose, or that in the code of their instructions they are expected to break in upon the unity of the church. They are if I am rightly informed Missionaries to the heathen nations. Yet if they will instead of fixing themselves among the Heathen, open Meeting Houses among Christians, if they think their object is best promoted by a residence chiefly in large towns, let them not try to rob the clergy of everything which an established Church has had guaranteed to her. Your Lordship will not now be surprised to hear that only a few days ago I was applied to by a person in the Town to know if I would allow Mr. Kay to read the burial Service over the remains of his child ; rather indeed if there be any surprise it will be that I was asked at all. Nay more, only on Friday last a person about to be married made application for Mr. Kay to perform the service, here then your Lordship will perceive that in a little time, having made a beginning, the rites and Ceremonies of the established Church in regard to baptisms, marriages, and burials will be administered by strangers.

I have, my Lord, in this letter endeavoured to bring to your Excellency's notice a subject that has given me much pain. I am firmly and truly attached to our excellent Apostolic Church.

I am ready, as far as my feeble abilities will allow, to give

its whole establishment every support I can, I therefore feel grieved, when I see the hedges broken down, that every one may enter in and root up her legitimate produce.

You will, my Lord, I trust, pardon me if I have said anything not meeting Your Lordship's approbation, and will permit me to ask your Excellency's direction and instruction for my future guidance, whilst I have the honor of holding the appointment Your Lordship has placed me in, and am under Your Lordship's Command. I have &c.

(Signed) THOMAS IRELAND.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 18 April 1825.

SIR,—His Excellency the Governor having taken into consideration the subject of the conservations I had the honor of holding with you in Graham's Town, relative to the impropriety of the members of the Wesleyan Mission interfering with the duties of the established Clergyman at that Station: and His Excellency being anxious to facilitate the wishes of the Inhabitants, as far as may be consistent with what is due to the rights and privileges of the Established Church of England and of the Chaplain appointed by Government to perform the duties thereof in the District of Albany, I am directed to acquaint you that he has been pleased to authorize you and the other Members of the Wesleyan Missionary Society in Albany to baptize the children of such British parents followers of your Society, who may express their wish to have such rite performed by you, under the following regulations and restrictions:

1st. That the parties apply in the first instance to the Resident Government Chaplain, for his permission which he will be authorised to grant at their request.

2ndly. That the original Certificates of all such baptisms be forwarded to the Government Chaplain with the view to their being registered in the Colonial registry kept by him.

3rdly. That no copy of such certificate of Baptism shall be granted to the parties, by the Wesleyan Missionaries, but that they must apply to Government's Chaplain, who is alone

authorised to give an authentic Copy thereof, and to receive the usual fees on the occasion.

Copy of these instructions will be forwarded to the Landdrost and Government's Chaplain in Albany. I have &c.

(Signed) RICHD. PLASKET.

The Revd. Mr. Kay,
Head of the Wesleyan Missionary Society,
Graham's Town.

[Enclosure 3 in the above.]

To His Excellency the Right Honourable Lord Chas. H. Somerset, Governor and Commander in Chief of His Majesty's Forces at the Cape of Good Hope, &c., &c., &c.

May it please your Excellency.

The undersigned Wesleyan Missionaries, in Albany and Cafferland, are extremely desirous of communicating to Your Lordship our very strong and grateful sense of Your Excellency's kind patronage of us, manifested by affording us, at various times, many facilities for prosecuting the work of our missions; but particularly in Your Lordship's recent favourable reply to the Memorial of the Revd. W. Shaw, for permission to encrease the number of our Stations in Cafferland.

We assure Your Lordship that these indulgences are not received without a proper feeling, and we hope by an exclusive and a diligent attendance to our pastoral duties, over our congregations in Albany, and a proper regard to the great work assigned us, of promoting the civilization and conversion of the Heathen to ensure a continuance of Your Lordship's patronage.

We are however desirous of reverting to a circumstance which has given us some uneasiness and involved us in perplexity, viz. Your Excellency's late decision on the subject of Baptisms solemnized by us in the District of Albany: we have the strongest proofs that Your Excellency recognized the great principle of Toleration, in allowing every man to worship God and exercise the rites of religion, according to the Dictates of his own conscience: and we are sorry that it has not been represented to Your Lordship that the invariable Custom of

the Wesleyan Ministers, recognized by the late Toleration Act, has settled the rite of Baptism and other religious ceremonies beyond the possibility of a question.

So well is the practice of this religious rite understood at Home and in the British Colonies, that the Registers of Baptisms kept in the Wesleyan Chapels have been frequently received as good and legal documents in the Courts of *Common Law*, and in so far as relates to the practice in the Courts of *Civil* or *Ecclesiastical Law*, Sir John Nicol the principal Judge in the "Arches Court" at Canterbury, decided some years ago, that not only was it lawful for a minister, not being a Clergyman of the Church of England, to Baptise British Subjects, but also that every clergyman of the Church of England *was bound* to receive the certificate of such baptism *attested* by a dissenting Minister, as a *good* and *legal* certificate thereof.

It has been attempted to draw a distinction between Dissenters and Wesleyans on the principle that the latter are not Dissenters; but we are desirous of stating that the Toleration Act, framed and passed under the auspices of the Earl of Liverpool, does not require a Minister to Qualify, and take out a licence as a *dissenter*, but merely as a "preacher and Teacher of God's holy word," and this form of the Act was intended to be a special provision for the case of the *Wesleyan* Methodists, who had Conscientious scruples to license as *Dissenters*.

As Wesleyan Missionaries we act under the direction of the Committee of the Wesleyan Missionary Society, to whom we are under the necessity of explaining all circumstances which have a relation to our work as ministers and Missionaries; we have more than once felt it our duty, to state to them the entire liberty and perfect privileges we enjoyed under the mild and equitable Government of Your Lordship, and it will be exceedingly painful, if our duty oblige us to throw the faintest shade upon our future Communications, but we fear that Your Excellency's "Regulations and Restrictions" respecting our Baptisms of British Subjects in Albany will appear to them exceedingly novel, as interfering with the established order of things, and the principles of the Toleration Act: they will therefore most probably be induced to apply to His

Majesty's Government on this subject, a step which *they* will regret, as well as *ourselves* : which induces us to explain to your Lordship, in the most ingenuous and candid manner, the peculiar circumstances under which we are placed by the document alluded to. We have taken the liberty also, of transmitting herewith for Your Excellency's examination, a copy of Sir John Nicol's judgment in the case to which we have already made reference, and we earnestly hope that Your Lordship may feel at liberty to cancel the "Regulations" in question, and leave us to proceed as heretofore and as our Ministers do in England and in all other British Colonies.

We have &c.

(Signed) W. SHAW,
S. BROADBENT,
S. KAY,
S. YOUNG,

GRAHAM'S TOWN, 23 May 1825.

[Original.]

*Report of the Commissioners of Enquiry to the Under
Secretary of State, Colonial Department.*

CAPE TOWN, CAPE OF GOOD HOPE, 1st June 1825.

SIR,—We have had the honor to receive your letter of the 11th February 1824, in which we are directed to investigate the accuracy of certain statements delivered to you by Mr. Ingram of Cork, upon the faith of which the emigration of Four hundred Individuals from Ireland to this Colony at the Public expence has been sanctioned by His Majesty's Government ; and we now beg leave to submit to you our opinion upon this subject, as well as upon the fulfilment of the engagements into which Mr. Ingram entered with His Majesty's Government.

Mr. Ingram arrived in this Colony in the Month of April 1820, accompanied by a small Party consisting of 27 Men, 12 Women, and 29 Children. The Men were chiefly Mechanics and Labourers, for whom the sums required to be deposited were advanced by Mr. Ingram in England ; and they had

entered into agreements to serve him for three years at certain low wages, and at the end of that term to receive the sum of £10 or 20 Acres of Land.

They formed one of the parties that were ordered to proceed to the District of Clanwilliam, and were located on a Tract called the Partridge Vallies containing about 1600 Morgen or 3200 Acres of Land, to which Mr. Ingram subsequently added by purchase a Tract called the Taaybosch Kraal amounting to 550 Morgen or 1100 Acres, and to these have been added by Grant from the Acting Governor Sir Rufane Donkin two contiguous Tracts of Mountain Pasture, amounting to 1791 Morgen or 3582 Acres, forming altogether an Estate comprising 7882 Acres of Land.

The Taaybosch Kraal purchased by Mr. Ingram contains a certain portion of good arable land that is capable of being irrigated. The supply of Water is derived from a Stream conveyed in an artificial Watercourse along the side of a hill, from whence it is distributed over the sloping Land immediately below it. The irrigation of this Land which constitutes the best and most productive part of the Estate is thus effected in a more rapid stream than is beneficial, and is also attended with some difficulty.

The Great Partridge Valley contains some good Land of the description called Karroo, a fine sandy loam and clay, which would be very productive if it were open to irrigation. The Spring from which Mr. Ingram asserts that the supply of Water can be obtained for this purpose lies at a great distance from the Karroo land, and is separated from it by a sandy tract through which it would be necessary to convey the Water by Pipes at a considerable expence. The quantity of arable Land therefore that was actually open to irrigation in the Taaybosch Kraal and the Partridge Vallies at the time in which Mr. Ingram delivered his information at the Secretary of State's Office did not exceed 75 acres, and it is extremely doubtful whether that quantity can be increased.

The Land consists generally of a light Sand or Loam, with the exception of the small slip that is open to irrigation in the Taaybosch Kraal, which is composed of Clay mixed with the particles of Sand and Soil that are washed down upon it from the Hill above.

The Pasture Land is light and sandy and generally covered with Shrubs from which the Cattle derive subsistence during the Winter Months. In favourable Seasons the present Tenant of Mr. Ingram thinks that this estate will be capable of maintaining 100 Head of Cattle, but not without encroaching upon some of the arable Land in the Partridge Valley which also affords the best Pasturage. The Cattle are subject to sickness at one period of the year, and it does not appear that sheep are found to thrive upon these Lands.

In the first year of his emigration Mr. Ingram and his people were chiefly employed in repairing the Watercourse that has just been described, and in preparing Materials for building a Dwelling House in Partridge Valley, and he did not cultivate more than 12 acres of Land. In the second year his progress was obstructed by a long absence of three months at Cape Town, whither he was summoned by His Majesty's Fiscal for the hearing and adjustment of certain complaints that had been preferred against him by his Servants; after a long investigation the complaints were dismissed, and the Servants were condemned to pay the Costs of the Proceedings.

It does not appear that in this or the following year Mr. Ingram cultivated Land to a greater extent than eight Acres, producing not more than 40 Muids or 120 Bushels of Wheat. In the year 1822 Mr. Bergh, the Deputy Landdrost, having sown according to his usual custom one eighth of a Muid, or twenty-two pounds and a quarter of Rice, it was transplanted out by the Servants of Mr. Bergh into four acres of Mr. Ingram's Land, and produced 18 Muids or 54 Bushels, which were sold to the Colonial Government for the Sum of 720 Rixdollars.

In the year 1821 Mr. Ingram's Stock consisted of 44 Draught Oxen and 9 Breeding Horses, in the following year they were increased in number to 68 Draught Oxen, 47 Breeding Cattle, 69 Breeding Sheep, 7 Draught Horses, and 115 Goats, which were disposed of chiefly by Public Auction at Mr. Ingram's departure to England. The Breeding Cattle had been purchased by Mr. Bergh, and were derived from the European Stock or what is termed the "Vaderland" breed, and there were two Sheep of the Merino breed, which Mr. Ingram gave away on his departure and which have since been returned to him. At the same time were sold his Household Furniture,

Implements of Husbandry, &c., producing as appears by the Vendue Roll, the sum of 5521 Rixdollars and 3 Skillings, equal to £414 Sterling. It should also be mentioned that he had built a House of Stone on his Location at the Partridge Valley, consisting of a long range of thatched Building, divided into several Dwellings but not substantially constructed.

Mr. Ingram had previously to the expiration of their terms of Apprenticeship released some of his articted Servants from their engagements, receiving from them certain Sums of Money varying in amount according to the value of their respective services. He had also made an offer to the Colonial Government, that if the Lands of the Kleine Valley were transferred to him, he would place there two Men for one that might remove from thence. The offer was so far accepted by the Colonial Government as to induce Mr. Ingram to treat with the Settlers who had obtained allotments in the Kleine Valley for the purchase of their interests in them ; and an expectation was held out of obtaining the sanction of His Majesty's Government to their transfer, altho' it was made previous to the expiration of three years from the date of the location. Availing himself of this permission, Mr. Ingram made agreements with some of the Settlers in the Kleine Valley, possessed himself of the best portion of the Tract, and afterwards was authorised to dispose of it to Mr. Shaw one of the Emigrant Settlers for the sum of 3,500 Rixdollars, which the latter was enabled to advance by the assistance of the Lombard Bank. By thus letting his original Location in the Great and Little Partridge Vallies and the Taaybosch Kraal to an individual who has agreed to pay him a Rent consisting of a certain number of Cattle ; and by disposing unconditionally to Mr. Shaw of the Land that he purchased in the Kleine Valley, he has put it out of his power to fulfil the engagement that he entered into with the Local Government of locating two Settlers for one that might leave it.

In referring to the particulars of the Statement made to you Sir by Mr. Ingram, we find that the principal point of difference appears to consist in the quantity of Land reported to you by Mr. Ingram to be cultivated in Wheat and Rice, and open to irrigation ; you will find that in his evidence Mr. Ingram disavows the statement ascribed to him in the Original Notes with which you have favored us, of having had Wheat

and Rice upon 1000 acres, which are open to irrigation ; and in support of his assertion that he could not have intended to make to you so gross a misrepresentation, he has referred to the number of Labourers originally brought with him to the Colony with whom he would have been unable to cultivate so great an extent of Land. The opinion that he alleges himself to have entertained that 1000 acres of his land were open to irrigation and capable of being cultivated in Wheat and Rice, he still adheres to.

From the evidence of Mr. Ingram's Tenant, which we have lately received through a Gentleman deputed by the Colonial Government to proceed to Clanwilliam for the purpose of settling certain disputes that had arisen there, we cannot believe that the Land capable of irrigation upon Mr. Ingram's Estate exceeds 100 acres, and we find that the irrigation of it is attended with difficulty and expence. The returns of profit therefore from his Land, which it will be remarked are to commence only on the first of May of this year, depend upon the multiplication of the Stock during the preceding three years and not upon the produce of the Soil.

He agreed to let the Estate, the Grant of which was confirmed to him in the year 1822, and one year sooner than Earl Bathurst's conditions prescribed, to a Dutch Inhabitant, for the space of ten years, at a Rent that is to commence on the first of May 1825. It is to consist of the delivery of 20 Cows and their Calves, and 20 Oxen ; and if the Tenant shall have paid within ten years from the date the sum of 80,000 Guilders or 26,666 Rixdollars, the Estate is to be transferred to him. Mr. Ingram also made an agreement with a Dutch Farmer that has since been set aside by the Court of Justice, to let him a small portion of the Taaybosch Kraal on condition of receiving 20 muids of Corn.

We are disposed to think that the value of the Stock that he is to receive in the shape of Rent has been somewhat overrated by him ; that the Cows and Calves that are to be delivered to him are not worth 150 Rixdollars per Head, and that the price of Oxen at Clanwilliam does not exceed forty Rixdollars even in a state fit for draught, altho' Mr. Ingram's calculation rates them at fifty Rixdollars. The quality of the Stock that Mr. Ingram is stated to have possessed is also

overrated ; the Cows of the European Breed not exceeding 20 in number and of advanced ages he purchased of Mr. Bergh the late Deputy Landdrost of Clanwilliam ; ten of these died last year ; and instead of possessing a number of Merino sheep capable of giving value to a Flock, it is proved that he had only two of that Breed, which appear to have been of too inconsiderable value even for sale.

Mr. Ingram appears to have stated that the value of the Corn alone produced from the Estate amounted to 8,000 Rix-dollars, half of which is divided between himself and his Tenant. On reference to the Lease of the Partridge Vallies and Taaybosch Kraal no stipulation is made for the delivery of any Produce of this kind.

At what period Mr. Ingram began to perceive that a pledge had been given that slave labour should not be employed upon his Estate, we are at a loss to conjecture ; nor can we give him credit for the explanation that he has made of the object with which he returned to Ireland to bring out 50 Labourers to employ upon his Estate, when we find that he had let one part of it before his departure for the space of ten years to a person who was in possession both of Hottentots and Slaves, and who has continued to employ them in its cultivation ever since, and when he has also declared to us that he had purchased and employed a Negro Slave upon the Estate before he went away, and would not have accepted the Grant if he had thought that the prohibition of employing Slave labour upon it had been attached as a condition.

Mr. Ingram had certainly succeeded in obtaining his title to the Land that he had purchased as well as that which had been granted, in the space of two instead of three years from the date of his original occupation and exempt from the clause of prohibition which was inserted in the grants that have been made subsequently, to the other British Settlers at Clanwilliam. We certainly do not recognize the justice of the exemption of Mr. Ingram from a condition imposed upon the whole of the Emigrant Parties whether settled at Clanwilliam or at Albany, but whether he had in view to introduce European Labourers or to raise money upon his Estate and attract Speculators, we have not been able to determine. He attempted to attract Purchasers of Building Allotments upon

the best part of his arable Land by inserting an advertisement in the *Gazette*, a copy of which we have the honor to enclose, containing lofty promises of assistance in Materials, and of indulgence in payment, which hitherto have been unavailing. He also held out premiums for the Breeding of Stock, which considering the limited Pasturage of that District, or the Land that he was entitled to transfer, were altogether illusory. His real object in applying to His Majesty's Government for assistance in the emigration of Labourers and Mechanics from Ireland will best appear perhaps from the result of that speculation. We observe that Mr. Ingram informed you that he purchased a House and farm Buildings on a small Property near Cape Town for the sum of £3,500 ; from the situation of the Estate we think it may be applied to useful and profitable purposes, and with the assistance of the Mechanics and Labourers brought with him from Ireland he is now building a very large and commodious Store, which he intends for a deposit of Wine.

We are informed by Mr. Ingram that after he had received the Sanction of His Majesty's Government to the plan of taking Emigrants from the South of Ireland to this Colony he applied himself with diligence and at first with effect to the selection of Individuals of good Character who not being Heads of Families were enabled to leave the Country without encumbering it with the support of their Wives and Children.

From an influence which Mr. Ingram attributes to the Catholic Priests in the County of Cork, but which from the evidence of some of his people we think is with more justice to be imputed to certain Reports of the failure of the former Emigration that were then circulated in Ireland, a great majority of those who had promised to embark subsequently declined to go, and several who had signed Indentures embarked in the ship *Barrosa* and remained on board for some time, but suddenly renounced their engagements and all intention of proceeding to the Cape.

Mr. Ingram has produced to us a number of Indentures, duly executed by the parties who afterwards receded from their engagements, an abstract of which we transmit to enable you to pursue the investigation should it appear to you necessary. We have no doubt that the circumstances by which

the departure of the Vessel was retarded, and Mr. Ingram's absence in London, where he appears to have gone to effect an arrangement for the supply of good Provisions, may have had some influence in this change of determination in the people ; and their places were then supplied by such casual offers as the circumstances of many of the lower classes of People in a large Seaport Town might be supposed to produce.

As the period approached of the departure of the Ship, some Individuals who had been attracted on board by curiosity or the love of novelty, found means to escape, and it was at last agreed that the Indentures should not be signed until after the Voyage had commenced.

Although complaints have been addressed to us as well as to the Colonial Courts by persons who have alleged that they were not aware of the terms of the Agreement made with Mr. Ingram at Cork, and also by others whom he attempted to compel to enter into similar engagements during the Passage, yet we feel bound to add that much pains appear to have been taken by Mr. Ingram to make known the terms of those engagements both in the Town and Neighbourhood of Cork previous to his departure. Blank Forms of Indentures were distributed for explanation, and we are led to believe that such a general knowledge of the terms prevailed as to raise the strongest presumption against any alleged ignorance of them.

A delay of two days took place between the period of mustering the Emigrants on board by the Agent of Transports at Cove and the sailing of the Vessel, and in this interval a great many Emigrants who had been mustered appear to have escaped on shore. The Agent of Transports at Cove must have certified that he had mustered on board the Transport the number of men, women, and children that Mr. Ingram had covenanted to convey to the Cape before the Ship could receive her clearance at the Custom House, amounting to 350 Persons on account of Government and 50 on his own Account. We have not been able to obtain a Copy of the Agent's Certificate, but as it is stated by Mr. Ingram that 407 Persons were mustered on board the *Barrosa*, we have reason to conclude that the muster was faithfully performed, notwithstanding the assertions of some of the dissatisfied Parties, who have alleged that in more than one instance one Individual succeeded in

representing the names and persons of two. We find however that there were only disembarked in this Colony 188 Men, 59 Women, and 105 Children, in all 352 Persons, from whom a deduction must be made of five Persons, consisting of a Portuguese taken on board at the Island of Madeira, and four Children born on the Passage, leaving a deficiency of 53 Persons in the number that Mr. Ingram engaged to convey from Ireland to the Cape.

No deaths or accidents occurred during the Passage ; and the People landed at the Cape in a state of improved health and strength. Some attention appears to have been paid by Mr. Ingram to the comfort of the most necessitous by providing Bedding and Clothes ; and with the exception of a portion of the Biscuit and Rice, the Provisions were found to be of a good quality.

Upon the arrival of the Transport in Table Bay, the Deputy Fiscal Mr. Ryneveld went on board, made an Individual Muster of the Emigrants, and took notes of the complaints that they made against Mr. Ingram, for the purpose of reporting to His Majesty's Fiscal. The Emigrants were afterwards landed, and several of those who had at first refused, but afterwards signed Indentures on board ship under an alleged threat of being deprived of Provisions, or of being imprisoned on their arrival at the Cape, complained to His Majesty's Fiscal, who brought their complaints before a Sitting Commissioner of the Court of Justice. The proof of their having been trepanned or forced on board at Cork against their will by Mr. Ingram having failed, the Court of Justice on appeal from the decision of the Commissioned Member held that the presumption of the acquiescence of every Individual in the terms of the Indenture was so strong from the fact of their embarkation at Cork, and the publicity of the conditions of Service, that in cases where Indentures had not been signed by the Parties, amounting in number to nineteen, the Court declared that the parties should enter into agreements to serve Mr. Ingram upon the conditions and regulations that were prescribed by His Majesty's Government.

In a short period after their debarkation in the Colony a large majority of the emigrants obtained employment by making agreements with new Masters, or by agreement made

between them and Mr. Ingram to redeem their engagements to him by the payment of the Sum stipulated in their original Indentures of three hundred Rixdollars for each Male, 200 for a Female, and 150 for a child.

From a List that has been furnished us by Mr. Ingram, and dated 28th July 1824, we find that out of the number of Emigrants landed, 120 Men, 44 Women, and 82 Children have been transferred to Individuals in and near Cape Town. This Statement has undergone some variation since that period, in consequence of some of the men having been returned upon Mr. Ingram's hands, or of failure to make good their payments to him ; in which latter cases they were ordered by the Magistrates to return to work for Mr. Ingram, and, as he contended, in any manner that he might require. Fifty-one are now employed by him upon his Estate near Cape Town, or in preparing materials for building his Wine Store. The Lodgings that he provided for them on his Estate, which is in other respects favorably situated for the accommodation and reception of the people who obtain casual work in Cape Town, have been found by us to be neither in a proper or tenable state. They have been lately repaired, and a separate apartment has been provided for the reception of the Sick, who have not been numerous. Eight persons have died since the arrival of the Party in December 1823, and it appears that most of them have been affected in a greater or less degree by an intemperate use of spirituous liquors and by copious draughts of water taken in hot weather, but that in other respects the state of their general health has been good.

Several Complaints were preferred against Mr. Ingram's party before the Fiscal for acts of intemperance in the Streets of Cape Town, and a very serious and premeditated attack was made in the night time by several persons in disguise on the premises of Mr. Ingram and upon the person of one Daniel Lee, an Irishman, who had been known to have furnished important evidence against William Edwards, to whom he had been hired by Mr. Ingram ; no proof was obtained of the motive of this outrage, but it was considered necessary to withdraw Daniel Lee from all further dependance upon Mr. Ingram, and for the purpose of securing him from further attacks.

The great source of complaint and dissatisfaction amongst

the servants of Mr. Ingram is to be found in the exercise of the power which he possesses by virtue of the Indentures of Agreement, of exacting the payment of the Sums of 300, 200, or 150 Rixdollars respectively from the Men, Women, and Children of his Party as the price of their release from engagements to him. In some few instances where the labour to be released was of value, the whole Sum has been paid down, in others it has been paid by promissory notes of the Assignee of the Indentures, and in the great majority of instances by Monthly Instalments paid by the Labourers themselves out of their Wages, in the proportion of 15 Rixdollars out of 30 or 40. We perceive that this point was left open for adjustment between Mr. Ingram and the Individuals of his party, and was made subject to arbitration in case of dispute in the Colony. We are not aware that this course has been resorted to, as several persons who had left Mr. Ingram's service in consequence of their refusal to sign Indentures or to work for him in the way he required have been prosecuted by His Majesty's Fiscal, who acting upon a Proclamation issued by Lord Charles Somerset in the year 1818 for the protection of the Claims of Masters to the labour of their artieded Servants, has summoned several of Mr. Ingram's men to answer criminally before the Commissioners of the Court of Justice.

We have already mentioned that the Court of Justice had declared in one of these cases that all the Persons who arrived with Mr. Ingram in the colony and had not signed Indentures should nevertheless serve Mr. Ingram upon the terms prescribed in his Bond, as the lowest which he had engaged to His Majesty's Government to afford.

In one case, that of John Roche (a Journeyman Shoemaker), from whom Mr. Ingram thought proper to demand the Sum of 400 Rixdollars in consequence of his refusal to engage, and of his alleged encouragement of others to follow his example, the Commissioners of the Court of Justice upon a second complaint against Roche for quitting Mr. Ingram's Service, sentenced him to receive 25 Lashes in the Gaol, that being the punishment provided by the second Clause of the Proclamation before alluded to, and which was inflicted.

The hardship of this case was considerably augmented by the circumstance of Roche having expressed in Court his

willingness to make gradual payments to the amount of three hundred Dollars out of the profits of his Trade; and his Employer, a respectable Tradesman, offered his Security for the payment of this Sum, but the offer was rejected by Mr. Ingram, and he raised his demand to four hundred Rixdollars in consequence of the original refusal of Roche to sign an Indenture, and from the influence (as he alleged) of his example upon others. Being unable to pay 400 Rixdollars or to find security for so large a sum, Roche was ordered to return to Mr. Ingram's Service, where he was not permitted to work at his Trade, but was employed to break stones, to which he had not been accustomed.

It is stated by Mr. Ingram that before they quitted Ireland all his servants were apprized of his right to exact any species of Labour from them that he might require in the Colony until they should succeed in redeeming their engagements to him. This opinion we think he was not justified in maintaining to that extent, for one of the Conditions of his Bond prescribes that the labour in which he shall employ his Servants in the Colony shall be "reasonable." We do not believe that the existence of this condition was known to the Commissioner of the Court of Justice when Roche was condemned to be punished under the Proclamation of 1818, for if it had we think it improbable that he would have been condemned to return to Mr. Ingram's service to perform a species of Labour for which his previous habits had rendered him quite unfit.

Five other Men under similar circumstances, and condemned to the same punishment of Flogging, entered Appeals to the Full Court of Justice, which have not been decided. One has been brought before the Court of Appeal, and an inquiry has been directed to be made into the general conduct of Mr. Ingram's Servants, and into the Subject of their Complaints, and until a report is made, the Servants are allowed to work for their own support.

The Majority of them is stated to have belonged to the lowest Class of Labourers in Cork and its vicinity; they are generally very illiterate, and some of them are indifferent Characters. The Mechanics and useful Tradesmen are enabled to gain from three to four Rixdollars per day together with subsistence and lodging, and are in general doing well. They

do not admit that they are doing better in the Colony than they would have done in Ireland if a demand for their labour had existed. The common Labourers generally demand a Rix-dollar and a quarter or two Rixdollars per day besides subsistence which may be estimated at half a Rixdollar; but they have not been able to procure regular Labour at this rate; the Hire of a Slave or free coloured Labourer not exceeding twenty Rixdollars per month together with subsistence and Lodgings.

The great obstacle to their early success has arisen from the large Sums that they engaged to pay to Mr. Ingram as a premium for their release from engagements to serve him, altho' the expences of the Voyage had been defrayed by His Majesty's Government.

The same cause operated in keeping up the price of labour in Cape Town, and has pressed too heavily upon the exertions of those who tho' desirous of releasing themselves, have not been able to earn more than thirty Rixdollars per Month, or to spare a larger Sum out of it than one half for their own redemption or for that of their Children.

The Children Apprentices from 12 to 14 years of age have been much sought after, principally for handicraft Trades, and for the Domestic Service of the English and also of the Dutch Inhabitants. Children of eight years old have been able to earn their subsistence and clothing, and those of ten years have obtained four or five Rixdollars a Month Wages, and more as they grow older; those of a maturer age have evinced a great reluctance to remain in families where there are Slaves, on account of the degradation and discredit that the servile Character is supposed by them to impart to manual labour. A singular exception to this feeling occurred in the instance of a Lad of 15 years of age who was apprenticed with the consent of his Parents nominally to a free Person, but really to a Slave of good character, who works on his own account as a saddler and upholsterer and pays his Master 40 Dollars per Month for that privilege.

A second instance occurred in which Mr. Ingram hired out one of his apprentices to another Slave to work by the piece, altho' he took security from free persons on these occasions, Mr. Ingram received the payments from the Slaves themselves.

Notwithstanding the importation of so many European

Labourers into the Colony from time to time, the high price of labour has not hitherto been perceptibly affected. That of common Labourers who receive a Rixdollar and a half per day and subsistence for themselves, is at nearly as low a rate as in the present circumstances of the Colony comports with the maintenance of a large family, if the Children should not be old enough to enter into Service.

The low price of Provisions has been favorable to their support, but Lodgings in Cape Town are still dear, as well as articles of European Clothing.

Mechanics and Tradesmen of all Classes, especially Tailors, Shoemakers, Saddlers, Bricklayers, Upholsterers, Coopers, Sawyers, Carpenters, and Blacksmiths, meet with ready employment in Cape Town, and are in as great demand in the Country Districts, where common Labourers in Husbandry continue also to receive high wages.

It is admitted by all Persons except those who derive subsistence from hiring out the labour of their Slaves and Prize Negroes, that the importation of European Labour has been beneficial to the Colony as well as to those Labourers who have been imbued with habits of common industry, and the Labourers themselves are in general well contented with their circumstances.

The supply of Labour is still considered deficient, and we think that a repetition of Mr. Ingram's experiment on a more limited scale as to numbers, and on terms more favorable to the Labourers, might be encouraged by the British Government with benefit to the Colony, and especially to the District of Albany, where the wages of Labour are very high, and not likely to be reduced by the natural supply. We should observe that in the course of the years 1826 and 1827, not less than one thousand Prize Negroes will be added to the mass of the free Labouring class of the Population, but we do not think it probable that their labour will be transferred to the remote Districts, or that they will be induced to separate from the connections they have formed in Cape Town, where the greatest proportion of them are settled ; nor is it likely that the price of Labour will be affected, as a competition for their labour will be proportionably raised by those who at present possess their Services.

As we find from a Letter addressed by Earl Bathurst to His Excellency Lord Charles Somerset, that it is not the intention of His Majesty's Government to incur any further expence in the conveyance of Emigrants from the South of Ireland to this Colony, we shall postpone the consideration of the various projects that have been submitted to us till we report upon the general state of the labouring Population and the causes that appear to us to retard its increase and prosperity.

In the meantime we think it our duty to represent to you that the English Settlers in the District of Albany are most anxious for the arrival of parties of Agricultural Labourers to relieve the great want that is now experienced there, and to reduce the high rate of Wages they are compelled to pay for Servants of every description.

From the experience of the Emigrant Parties, and from the inconvenience that has been found in enforcing engagements entered into between Masters and Servants before their departure from Europe, arising from an ignorance on the part of the Servant of the real demand for labour in the Colony, and from speculations of profit to the Master, it would be extremely desirable that such engagements should be deferred and that it should be open to the Servant to derive full and immediate benefit from the Market to which he has transferred his labour as soon as he arrives there, without making his Wages liable to any other deduction than what may be sufficient to repay the expences of his Voyage.

If we draw an inference from the circumstances that have taken place in the emigration of Mr. Ingram's party, no greater or more laborious duty appears to be attached to the direction and management of the scheme of Emigration than may be well recompensed by the allowance of One Pound per Head for every Individual who may be landed in the Colony. The responsibility for their not being chargeable to the local Government for three years after their landing may be made a condition in the Contracts into which they enter after their arrival in the Colony, and which may be made transferable, as they are at present, to the Persons who hire them.

The experience of the several Emigrations that have been conducted to this Colony shews that this responsibility is very little to be dreaded. The state of the Colonial Law is

not defective in the means it affords for compelling the performance of the engagements of Servants towards their Masters. Pecuniary fine and Imprisonment for the first offence, and corporal punishment and expulsion from the Colony are provided for a second offence, by the several Proclamations that have been issued upon this subject. We cannot recommend however that in future the violation of such engagements should be made punishable by Flogging except in cases of Apprentices under the age of Eighteen, when the punishment should be moderate, and not be allowed to exceed fifteen Lashes.

If His Majesty's Government should be induced to make advances for the transport and maintenance of Labourers and Mechanics from any part of the British Dominions to the Cape of Good Hope, it would be satisfactory that these persons should understand that their industry would enable them to redeem the Sums so advanced within a reasonable time, and that no other deduction from their Wages would be required than might be sufficient to cover the expences of the Voyage. If £15 should be sufficient to provide for the Transport of a Labourer to the Cape, and that he should be entitled to redeem the charge by a deduction of 15 or 25 Shillings per month from his Wages, he would acquire the free disposal of his labour in twelve or twenty months; and in the same manner for each Individual of His Family who should be capable of service. For this payment the Masters should become responsible to the Local Authorities of the District; and we think that under the present circumstances of the Colony, and especially in that part of it where on account of the prohibition of the employment of Slaves, the Wages of free Labour are likely to continue high, a more punctual performance of the conditions of repayment is to be expected than if the exaction of them was made dependant upon the Interest of an Individual.

From the same cause it would probably happen that Individuals in the District would associate together for the purpose of securing as many Labourers as they might require for their own purposes, and in such cases the security to Government for the advance would be strengthened.

We are more particularly desirous of relieving the persons who are subject to the restriction in the employment of Slaves

from any additional charge, whether in the shape of profits to the undertaker of a scheme of Emigration or of premiums for his trouble in conducting it, that may press too heavily upon the exertions of the Labourers themselves, or may have a direct tendency to raise their demands.

If it is an object of importance to the British Government to extinguish the evil of Slavery in the newly planted Settlement of Albany, and to take away the many temptations to it that exist in that quarter from the vicinity of the Savage Tribes on the Frontier, it will not feel reluctance we think to incur the inconsiderable expence that we have proposed of One Pound per Head for every Free Labourer who may be induced to emigrate, as a compensation for the charge of their superintendence. We have already described the advantages to the Labourer with which the exemption from this charge would be attended, and although the repayment of the advance for his passage would constitute a present deduction from the profits of his industry, it might be effected by such moderate Instalments from his Wages as would not expose him to any severe privations.

We cannot omit to observe that any facilities that His Majesty's Government may deem it expedient to afford to the British Settlers in Albany in obtaining the further assistance of Labourers from Europe, would be a seasonable relief to them after their late privations, and constitute a satisfactory indemnity for their early disappointments. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Enclosure 1 in the above.]

*Evidence given by MR. JOHN INGRAM to the COMMISSIONERS
OF ENQUIRY.*

CAPE TOWN, 15th January 1825.

What was the quantity of Land originally assigned to you as a Settler at the District of Clanwilliam ?

Reply. Two thousand Seven hundred acres were allotted to me, being at the rate of one hundred acres for each man of the twenty seven that composed my Party, including myself.

Were these persons brought out at your charge, or did they make their own deposits ?

Reply. Their advances were deposited by me.

Did you not purchase some Land in addition to your Location ?

Reply. I did, I bought from Captain Butler his allotment of twelve hundred acres, with the sanction of the Acting Governor, and for which I paid Captain Butler four Hundred Rixdollars ; previous to effecting this transfer, there was an Order from Government to the Deputy Landdrost at Clanwilliam to put me in possession of the Lands at Kleine Valley, in addition to the Lands of Partridge Valley, and as Mr. Parker had intimated to Government his intention to decline receiving them, but which were afterwards occupied by his party, I purchased from some individuals of the party about 1200 acres, with the sanction of the Acting Governor given to them to sell their allotments. These purchases were made for about 800 or 900 Rixdollars.

What was the quality of these Lands, and were they well watered ?

Reply. The location assigned to me in the Partridge Valley, with the addition of Taaybosch Kraal purchased from Captain Butler, were by far the best Allotments in Clanwilliam, having four Springs of water besides the River which bounds the Land for an extent of five miles, and which I was enabled to lead out. The whole of my people were employed upon this work during eight months, and I was enabled to irrigate a considerable tract of the best Carroo Land. I should conceive that Twelve hundred acres might thus have been laid under water if the requisite number of Laborers could have been applied to its cultivation.

Look at this memorandum of the quantities of good Land contained in the several Vallies at Clanwilliam, and say whether you consider it to be correct ?

Reply. It is not at all correct. According to my opinion of the extent of good Land Jan Dissel's Valley has but 50 acres of good cultivable Land, including the Drostdy of Captain Synnot's, but it has about four thousand Morgen of Waste Land, which is very indifferent pasturage ; to this is added a commonage of about 20,000 morgen or 40,000 acres. In the

Kleine Valley there may be about the quantity of good land mentioned, viz. 100 morgen. In the great Partridge Valley I should think that Sixty Morgen at the least have been under Cultivation. In the little Partridge Valley from 70 to 80 Morgen are good Land. In Taaybosch Kraal and the adjacent Land, alluded to as Karroo, my Tenant (Du Toit) and myself have together irrigated about 100 or 120 acres, and full 1200 Acres could be irrigated.

Do you conceive that the Arable Land assigned to the Settlers in the District of Clanwilliam was sufficient in quantity and quality to have subsisted such a number ?

Reply. I do, but the greater part of the Settlers who were located at Clanwilliam had no idea of working. I had only Seven Mechanics in my party, the rest were agricultural Servants. Mr. Parker's party was made up of persons who had not been accustomed to labour of any kind.

Are you of Opinion that the Klein Valley, with the Great and Little Partridge Vallies, are capable of maintaining as many as eighty families ?

Reply. I am of opinion that those Lands are capable of maintaining that number of families, if consisting of Persons who were agriculturists and inclined to labour. I include the Taaybosch Kraal as a part of my Lands, with the Kleine and Partridge Vallies.

What is the number that those Lands could be made to maintain ?

Reply. I conceive that they would support a hundred industrious families. I attribute the failure upon part of that location only to a want of capital and industry.

Are you certain that your Land is well supplied with water all the year round ?

Reply. I am perfectly certain that it is.

Did you propose to Sir Rufane Donkin to locate Two of your people for every one of those originally located by Government, and where did you intend that they should be placed ?

Reply. I made such a proposal to Sir Rufane Donkin, to whom I intimated that if he would give me the whole of the Klein Valley I would locate two Settlers for one that had been settled there by Government, and bring them from Ireland at

my own expence within Twelve Months from the time I made the proposal.

Was anything done in consequence of this proposition ?

Reply. Sir Rufane Donkin informed me that he had no Authority to dispossess the parties who had been put in possession. It was subsequently to this that I made the purchase of a number of the allotments, designing to have purchased the whole when the Occupiers might be disposed to sell. I subsequently made an offer to Lord Charles Somerset to purchase a place called " Hout Constant " at the Twenty four Rivers, which was for Sale. It consisted of 3000 Morgen, all of which could be brought under Cultivation, and I proposed if Government would purchase it to bring out at my own Expence 200 Settlers, and Establish them on it for three years.

Look at the Copy of the Advertisement now before you and say whether you authorised its insertion in the *Gazette* ?

Reply. I did, I drew it up and caused it to be published.

In what part of your location did you propose to give Lots of two Acres each to those who intended to build ?

Reply. Immediately opposite to the Drostdy House.

From where did you purpose to procure the Timber that you engaged to supply them ?

Reply. I had a good deal of Timber that I had purchased, and I intended to purchase more from the Bastard Hottentots who constantly bring it to Clanwilliam from the Cedar Bergen. At the Opgaaf time they come down in numbers with planks, which they readily dispose of to the farmers, who are at that time assembled at the Drostdy.

Have you received the Title Deed of any, and what portion of your location ?

Reply. I received the Title Deed of the whole in April 1822, altho' I was not strictly entitled to it until June 1823.

Did you possess your Title Deed at the time you advertised your Property for Sale ?

Reply. I was possessed at that time of my Title Deed.

Were any offers made to you in consequence of your Advertisement ?

Reply. I was offered 50,000 Guilders for the Estate I advertised, but I declined it. My object was at that time to give

up my prospects in the Colony, but not from any objection to the Lands assigned to me. There is an Official Letter addressed by me to Sir Rufane Donkin, to which I beg to refer in support of this. I solicited in that Letter the two adjoining pieces of arable Land on which there was no water might be given to me, and with which I would be perfectly satisfied.

What quantity of Land did you plough and cultivate during the Two first years of your location ?

Reply. In the first year I ploughed and cultivated about fifteen acres, having chiefly employed my men in Building and leading out water. In the Second Year I was prevented from Cultivating more than Twenty Acres, in consequence of a complaint preferred by Seven of my People in the beginning of April (being the Sowing Season) which was followed by an immediate citation from H.M. Fiscal to attend at Cape Town with the complainants, where I was delayed till the end of June, when the Charges were disproved and the Plaintiffs condemned in costs. In consequence of this occurrence I nearly lost the Season.

What quantity of Ground did you cultivate in Rice ?

Reply. About four acres, there were in all about Fifty acres of Land on which Rice could be cultivated.

How many Muids of Corn do you recollect to have reaped from the Land in Cultivation, and what do you conceive to have been its value ?

Reply. I am unable to answer this question correctly. Corn was at that time very dear, not less than 300 Rixdollars a Load of Ten Muids. My People consumed the Corn I raised. The Rice I sold to Government, and received about 800 Rds. for the quantity. I was paid at the rate of 40 Rds. a Muid ; it was required for seed.

What quantity of Stock had you upon the Land when you left it, and what quantity have you now ?

Reply. I think I may have about ninety Head of Oxen and 30 Cows, I sold about fifty Calves (yearlings). I am to receive on the first of May next from my Tenant 20 Cows and Calves of the European Breed and 20 Oxen of the same Breed, also 20 muids of Corn, as the Annual Rent of Taaybosch Kraal and Partridge Valley, also Twenty Cows are to be restored to me that I left on the Land to Stock it.

On what terms did you let your Farm ?

Reply. I let it for ten years certain at the foregoing rent.

Do you conceive that it will be possible to bring the grain produced in the District of Clanwilliam to the Cape Town Market ?

Reply. A great deal is now brought from Long Valley, a roadstead situated upon the Coast, a day's journey from Clanwilliam. Before the Settlers went to Clanwilliam the Farmers considered 50 or 60 Rds. a Load of Ten Muids a high price for their Corn. In the Bokkeveld, four days' journey from Clanwilliam, it may be bought even now for 40 Rds. a Load, but in consequence of having opened the Communication with Clanwilliam by Sea, which was done about two years ago by Messrs. Liesching and Bergh, the price of corn has risen from 80 Rds. to 100 Rds. a Load, at which price they receive any quantity delivered at their store at Long Valley. I originally suggested this speculation to Mr. Liesching, who has found it very profitable. Previous to the establishment of the Coasting Trade, the Farmers brought their Grain by waggon to Cape Town, the journey occupying ten days and as many to return.

What vessel is employed in the Trade ?

Reply. A Small Sloop of about 40 or 50 tons, which carries up Merchandize of various kinds.

Has Cultivation at Clanwilliam and in the Neighbouring Country much encreased in consequence of this facility of Transport for the produce to Market ?

Reply. It has. I should think within the last *year* from eight to tenfold the quantity of wheat has been cultivated throughout that country than was raised in preceding years. The Farmers have been enabled to employ their Labourers more exclusively in cultivation than when they were obliged to send them on tedious journeys to market, and the Sale for their produce has augmented their resources and improved their Comforts.

Are not Messrs. Liesching and Bergh about to open a communication with the Kamiesberg beyond Clanwilliam ?

Reply. They proposed doing so, in consequence of the Success they have already met with, and they expect to

establish a profitable Trade with the Bastard Hottentots in Cattle, Sheep, Skins, Ivory and other Articles.

It is stated that you have purchased a Slave, and that he works on your Land at Clanwilliam. Is that true ?

Reply. I do possess a Slave. He has been since my return to the Colony and is now at Sunny Bloom, I did employ him till I went to England at Clanwilliam. I then left him in charge with Mr. Proctor. The circumstances under which I purchased this man in 1821 were, that he was ordered to be sold by the Landdrost and Heemraden of Tulbagh in consequence of the ill usage he had received from his Master John Nel, and the apprehensions entertained in the District of that person from his character made the Inhabitants unwilling to purchase him. There were no Bidders at the auction, and the Deputy Landdrost (Mr. Bergh) afterwards disposed of him to me for 400 Rds. with consent of the Owner, who was desirous of avoiding the Prison Charges.

Does not your Grant of Land at Clanwilliam contain prohibition to work or employ Slaves on your Location ?

Reply. It does not, nor would I have accepted it with such a Clause, as no such prohibition was declared to me when I first came out to the Colony.

What number of families do you think could be maintained upon Captain Synnot's location ?

Reply. I should conceive that fifteen families could be maintained upon it. There are Seven families settled upon it at present.

(Signed) J. INGRAM.

Cape Town, 23rd April 1825.

Mr. Ingram's examination continued.

Have you a recollection of a dispute that took place between Mr. Parker and one of his Settlers named Woodcock respecting the boundaries of their locations ?

Reply. I have a perfect recollection of it.

Will you be so good as to state the circumstances ?

Reply. On Mr. Parker's arriving at Clanwilliam, being at variance with Mr. Woodcock, he wrote him a Letter pointing out his boundaries for 1200 acres of Land to be measured off

from the Boundaries of the Land of Mr. Albert van Wyk along the river, which before had been surveyed by Mr. Tulleken in the Gross. Before the re-measurement of Mr. Woodcock's lot of 1200 acres took place, Mr. Parker commenced building a House without considering whether it might stand upon the Land that he had made over to Mr. Woodcock. The latter and Mr. Fryer, who was a partner with him, had made a kind of temporary survey of it themselves, and they then laid claim to Mr. Parker's house which stood in a very prominent part of their Land, and which was then about six feet high. On their representing this to Mr. Parker Jnr., who was acting for his Uncle, he made a complaint to the Deputy Landdrost Mr. Bergh, on which Mr. Bergh declared that he could not act, as he had no orders to measure off Land for the Settlers of Mr. Parker. He spoke to me upon the subject, and I recommended that there should be no litigation, but that Mr. Tulleken the surveyor should be employed to measure off 1200 acres of Land, according to the terms of Mr. Parker's Letter and commencing from Van Wyk's boundary. This proposal was accepted by both Parties, and Mr. Tulleken was employed and made the Survey, by which it was found that the house that Parker was building considerably intruded upon the land of Mr. Woodcock. When Mr. Parker Senr. arrived, he accused Mr. Tulleken of not having pointed out to him the proper Boundaries between his Location and that of Van Wyk. Mr. Tulleken answered that he had certainly pointed out the proper boundary of his and Van Wyk's land to Mr. Parker in the presence of Mr. Bergh and Mr. Shawe and several other settlers as well as myself who were present. I have a perfect knowledge of this fact myself, and that the Boundaries so pointed out were the same as those that Mr. Tulleken took when he remeasured Mr. Woodcock's lot.

Has Van Wyk consented to adopt those boundaries, and do they now remain the same ?

Reply. He has consented to adopt them, they remain the same now, and were always his Boundaries.

Was the Land that Mr. Woodcock claimed valuable or good Land ?

Reply. I think that it composed the most valuable part of the valley.

Had Mr. Woodcock begun to cultivate ?

Reply. I don't believe that he had himself, but those with whom he was connected had begun.

Had Mr. Parker cultivated any Land ?

Reply. He had cultivated a small Portion.

Had he collected any quantity of heavy goods fit for cultivation ?

Reply. Certainly not. He had no waggon.

Had he purchased Cattle or Stock ?

Reply. I cannot tell that.

Do you know whether Mr. Parker had landed any Goods at Saldanha Bay when the Offer was made by the Colonial Government to remove him and his party to the Eastern Coast of Albany ?

Reply. He had certainly landed no goods at that time.

(Signed) J. INGRAM.

[Enclosure 2 in the above.]

*Evidence of CAREL, a Slave of MR. DE KLERK, to the
COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, 12th April 1825.

Where do you live ?

Reply. I live at my Master's Mr. De Klerk in Boom Street.

What trade do you follow ?

Reply. I am a Saddler and Upholsterer.

Where do you pursue your trade ?

Reply. I generally work at Mr. Durham's, but I have a room of my own where I work by day ; at night I go to my Master's house.

Do you cohabit with any female and have you any children ?

Reply. I live with a Slave of Mr. Fleck's and I have four children.

Of what religion are you ?

Reply. I am a Mahomedan.

Are your children of the same religion ?

Reply. They have not yet a religion, but they attend a Christian school in Cape Town.

Have you an apprentice ?

Reply. I have.

What is his name ?

Reply. Paddy Farel, he came to the Colony with Mr. Ingram.

Is Farel indentured to you ?

Reply. No, he is indentured to Mr. Heyward, Mr. Durham's clerk, but I paid the sum of 150 Rixdollars to Mr. Ingram six months after the boy landed in the Colony, and in consideration of this I am to have Farel's services for seven years and to feed and to clothe him during that time, and I am to teach him my trade.

Is this condition mentioned in the Indenture ?

Reply. I do not know.

Have you Mr. Ingram's receipt for the money ?

Reply. I have.

Are the Father and Mother of Farel in the Colony ?

Reply. They are.

Does the boy live with them ?

Reply. No, he lives with me.

Where ?

Reply. He goes to the house of Mr. Fleck at night, where my wife and the children are. He sleeps there, and comes to my room in the morning.

Where does he take his dinner ?

Reply. At my room.

Does he go to Church on a Sunday ?

Reply. Yes, I send him to the Roman Catholic Chapel on Sundays.

How old is he ?

Reply. About fourteen or fifteen years old.

Does he go to school ?

Reply. No, a man comes to the room every evening to teach him, and I pay for it.

What sum do you pay your Master per month ?

Reply. Forty Dollars.

(Signed) Mark X of CABEL.

Cape Town, 1st February 1824.

Six months after date I promise to pay Mr. John Ingram or order One hundred and fifty Rix Dollars for account of Charles Carrol, value received by him this 1st February 1824.

(Signed) WM. HEYWARD.

Endorsed : This note is for the Boy Paddy Farrel, which I give to Charles Carroll to learn the Art of Saddlery &c.

(Signed) WM. HEYWARD.

Received the contents for John Ingram.

(Signed) EDMD. L. KIFT.

August 18th 1824.

Be it made known that I Patrick Farrel have of my own free will, and with the consent of my Father who is a party hereto, apprenticed myself for Seven Years to Mr. Wm. Heyward to learn the art of Saddler and Upholsterer from Charles Carroll, he paying Mr. John Ingram One hundred and fifty Rix Dollars my passage money, and said Charles Carroll to find me in Clothes, Diet, and Washing and Lodging fitting an Apprentice.

Cape Town, 1st January 1824.

(Signed) PATRICK FARRELL X his mark.
WM. HEYWARD.

(Signed) DANIEL FARRELL,
J. INGRAM.

True copies.

(Signed) JOHN GREGORY, Secretary.

[Enclosure 3 in the above.]

*Evidence of JACOB VAN HEYDENRICK given to the
COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, 13th April 1825.

Where do you live ?

Reply. In Cape Town, at the house of a Shoemaker named Bruin.

What trade do you follow ?

Reply. That of a Shoemaker.

Do you work on your own account ?

Reply. No, I work for my Master Frederick Heydenrick, who is a Lock Maker.

Of what religion are you ?

Reply. I am a Mahommedan.

Have you ever employed any of Mr. Ingram's Apprentices ?

Reply. Yes, I have for a short time employed one of them named Mahoney. About six months ago Mr. Ingram came to me and enquired whether I wished to employ one of his men. I said I did, and upon his asking me how much I would give him (Mr. Ingram) per month, I replied that I could not employ him by the month, but I would pay him by the piece. To this arrangement Mr. Ingram consented. Mahoney only worked for me a few weeks, and became idle and drunken. At the end of three months Mr. Ingram demanded from me Rds. 15 for the 3 months. I refused, saying that I had already paid Mahoney for all the shoes he had made. This conversation took place near the Fiscal's office, and Mr. Ingram seizing me by the collar took me to the Landdrost's office. The Landdrost however did not compel me to pay this money.

(Signed) JACOB VAN HEYDENRICK X his mark.

[Enclosure 4 in the above.]

Evidence given by DANIEL KENNEDY to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 18th April 1825.

You are one of the persons that came from Ireland to this Colony in the Ship *Barrossa* with Mr. Ingram ?

Reply. I am.

Where did you agree with him to come to this Colony ?

Reply. I agreed with him in the City of Cork and signed an Indenture there.

How long do you recollect that you signed the indenture before the ship sailed ?

Reply. About five months.

Did you live in the City of Cork ?

Reply. I did.

Is it within your knowledge that a great many Individuals entered into agreements with Mr. Ingram at Cork to accompany him to this Colony ?

Reply. A great many did, altho' they did not come afterward.

Now what do you believe was the cause of their not coming out with him ?

Reply. I believe that the people who came out to this Colony before had written to their friends in Ireland giving a bad account of the Colony, and I have heard it stated that Mr. Ingram had not a good character given of him, or that he had behaved well to his people.

What was the account of the Colony that prevailed in and near Cork, and that you think operated in preventing the persons who had entered into agreement with Mr. Ingram from accompanying him ?

Reply. The Account was that the Colony was in a state of starvation, and that the former Emigrants only wished the Government to send them to Van Diemen's Land, or some other place out of the Colony.

Did you never see any Letter from any of the Irish Emigrants, giving an account of the high wages that were given for Labour in the Colony ?

Reply. I saw a Letter from one of those persons who had accompanied Mr. Ingram in his first voyage, giving a favorable account of the state of things, and that any man of good behaviour could do well here. I was myself encouraged to leave Ireland by the representation.

Did you ever hear it reported in Cork that Mr. Ingram had put bad provisions on board the Ship ?

Reply. I did hear so, but I also heard that they were rejected and sent back again.

Were you present at the muster of the men on board the *Barrossa* at Cork ?

Reply. No, I was not, I did not arrive until the day after.

Do you think that there were any other persons who came out with Mr. Ingram, that were not present at the muster ?

Reply. I think that there was a man and his wife and child, who came down from Cork in the same Boat with me.

What are their names ?

Reply. John Caty, his wife and Child. He is a Cooper.

Were there any persons prevented from leaving the Ship, or brought away against their own consent ?

Reply. I saw Two Men of the name of Roche who wanted to go on Shore just as we were ready to sail and were prevented, the reason was that the wife of one of them had been sent on shore.

Are you sure that she was the real wife of Roche ?

Reply. I believe she was, but I can't be sure as I was not acquainted with the people.

How did you find the provisions during the voyage ?

Reply. The Beef and Pork were very good, as well as the meal, but the Biscuit and Rice were not good.

Do you mean to say that the whole of the Biscuit was bad, or only portions of it ?

Reply. The whole was not bad, only parts of it.

From what part of Ireland do you think that the greater part of the People came that accompanied Mr. Ingram ?

Reply. I think the greater part came from the County and City of Cork.

Of what description are they ?

Reply. They consist of Labourers and Mechanics.

Were the Men who declined to accompany Mr. Ingram according to their agreements a better description than those who afterwards came out ?

Reply. Certainly they were.

Do you know yourself, or have you heard that the Catholic Clergymen used their influence to prevent the people from accompanying Mr. Ingram to this Colony ?

Reply. I do not believe that the Clergyman ever did, but other people have posted up papers on the outside of the Chapel gates, cautioning them not to accompany Mr. Ingram.

What reasons did the papers contain for dissuading the people from coming out ?

Reply. They pretended to give an account from a person whose name appeared to the statement as well as his place of abode in Cove, stating that he had accompanied Mr. Ingram before, that the Cape was a Land of Monsters and Starvation, and advised People at their peril not to come.

You are a Catholic, I believe ?

Reply. I am.

Did your Priest use any influence to prevent you from coming out ?

Reply. Not in the least.

Are you a Single Man ?

Reply. I am.

How long did you remain in Cape Town before you obtained a Situation ?

Reply. About a fortnight or three weeks.

What Sum did you pay Mr. Ingram for being released from your Engagement to him ?

Reply. Three Hundred Rix Dollars.

Did you pay it to him in Cash or by Instalments ?

Reply. I paid him by instalments, all I could spare of my monthly gains.

What wages did you receive then, and what do you receive now ?

Reply. Fifty Rix Dollars per month.

Do you believe this to be an ordinary rate of wages that is given to Coopers ?

Reply. I believe that sometimes more and sometimes less is given, but the Demand for Coopers' Labour is slack at this time of the year.

Is board and Lodging included in your wages ?

Reply. They are not.

What were the wages that you received at Cork as a Cooper before you came away ?

Reply. For six days that we worked in the Cellars we received One Guinea, when we worked in the shop it was by the piece.

Do you find that Provisions and House Rent in Cape Town are Cheaper than they were at Cork ?

Reply. The House Rent is dearer in Cape Town, but the provisions are something cheaper ?

Do you find that Clothes are dearer ?

Reply. Nearly double the price.

Do you think that it was generally understood by the parties who signed Indentures to Mr. Ingram that they would have to pay him the Sum of £30 for their passage in order to be released from their engagement to him ?

Reply. I always understood that the Persons who Signed the Indentures would have to pay for their release, and the Sum of £30 was always inserted in the indentures that I have seen.

What is the general Condition of those who came out to the Colony in this last Emigration ?

Reply. Some of them are doing well, and some are not.

Do they complain of want of Employment ?

Reply. They do.

What do you conceive is the general rate of House Rent ?

Reply. A Single room cannot be obtained for less than from Six to ten Dollars per month.

If you had any friends of your own in Ireland who were good Mechanics and industrious, would you advise them to come to the Cape ?

Reply. I would advise a good Leather Currier to come out, but I think that in other Trades the demand for labor in Cape Town is fully supplied.

(Signed) DANL. KENNEDY.

[Enclosure 5 in the above.]

Evidence given by DR. JOHN LAING *to the* COMMISSIONERS
OF ENQUIRY.

CAPE TOWN, 18th April 1825.

You are a surgeon in Cape Town, I believe ?

Reply. I am.

Have you been employed to attend the articted Servants of Mr. Ingram since their arrival in the Colony ?

Reply. I have.

Do you attend such of his Servants as are transferred to the service of Individuals ?

Reply. No, I do not, I have been sent for by a few persons who have hired Mr. Ingram's Servants, and I believe it was their intention to deduct the charge of my attendance from the Sum they had or were to pay to him.

Do you know whether that has been done or not ?

Reply. I cannot say.

Have many of Mr. Ingram's Servants who have remained in his employ been under your medical care ?

Reply. A great many.

What are their principal Complaints ?

In last January and February many were severely affected by Dysentery, and in the hot Season this complaint was common, I ascribe it to their drinking cold water in the hot weather.

Do you observe that they suffer from an immoderate use of wine or spirits ?

Reply. They certainly do, but they are extremely strong and healthy, and if they were not so much addicted to drinking there would be little or no sickness amongst them.

Are there many married women and Children amongst those whom Mr. Ingram has retained ?

Reply. There are several Women, but not many Children.

How have they been lodged at Mr. Ingram's ?

Reply. Not very well, I think. The Places are large, but one of the Houses was not water tight. They are now undergoing repair. Their sleeping places are long ranges of raised platforms.

Is there any separate place allotted for the Sick ?

Reply. When the Dysentery prevailed I had a separate place allotted for the Patients, they are now distributed in four Rooms.

How many Persons do you think sleep in these four places ?

Reply. About forty, I think.

Are the married people separate from the unmarried ?

Reply. They are generally, but there are two Exceptions where Single men have been admitted amongst the married ones by the consent of the latter.

Of what Religion are Mr. Ingram's people ?

Reply. They are almost entirely Catholics.

Are they well clothed ?

Reply. Upon the whole they are not.

Have any accidents occurred amongst them ?

Reply. None of a serious nature.

Have any of them complained to you of short allowance of Food ?

Reply. They have frequently, as well as of the bad quality of their meat.

Have you ever examined the meat yourself and observed what was the quality and condition ?

Reply. I have examined it and once or twice I found the meat lean, but I have generally found it of good quality.

Of what quality is the Bread ?

Reply. It is brown bread, the same I believe that is used for Soldiers' Rations.

Do you conceive that the Constitutions or bodily powers of Mr. Ingram's people were affected by working in the Hot Weather ?

Reply. I do not think it was, I have seen some of them who worked a whole day during Hot Seasons without provisions (when they had been stopped for Drunkenness), and they did not appear to have suffered from it.

(Signed) JOHN LAING.

[Enclosure 6 in the above.]

*Evidence given by MR. JOHN INGRAM to the COMMISSIONERS
OF ENQUIRY.*

CAPE TOWN, *Thursday, 21st April 1825.*

Do you recollect to have had an interview with Mr. W. Horton, the Under Secretary of State for the Colonial Department, upon the subject of your success in the first Emigration to the Cape of Good Hope ?

Reply. I had several.

Did you perceive that on any of these occasions Mr. Horton took notes of your statements ?

Reply. He did.

Did he caution you against overstating the advantages that you had reaped from your first Emigration to this Colony ?

Reply. I do not recollect that he did.

Did you state to him that you had 7500 acres of Land at Clanwilliam, and if so be so good as to describe the allotments of which it consisted ?

Reply. I stated that I had 7500 acres of Land at Clan-

william, and they consisted of the Great and Small Partridge Vallies and Taaybosch Kraal.

Was it then under lease to your present Tenant ?

Reply. It was.

Did you state to Mr. W. Horton that you had Wheat and Rice upon 1000 acres of this Land that are open for irrigation ?

Reply. I did not indeed.

What then was the statement that you did make to Mr. Horton ?

Reply. I stated to him that I conceived I had a thousand acres which I could lead under water, having taken the water levels with superior means, and that it was of the finest Karroo Land. It is quite impossible that I could have said I had a thousand acres under cultivation, when the whole number of persons that were on my Estate including myself amounted but to 27.

Be so good as to look at the memorandum in Mr. Horton's handwriting now shewn to you, containing the substance of the information given to him by yourself, *vivâ voce*, and state whether you recollect Mr. Horton's having made those notes in your presence.

Reply. I perfectly recollect it.

Can you state the quantity of ground that you had under cultivation ?

Reply. I do not recollect.

Do you consider that the remaining part of your land that is not fit for Tillage is good feeding ground for Cattle ?

Reply. Very good.

How many Merino Sheep had you ?

Reply. Only a few, but I sold them before I went to England.

Did you state it as your opinion to Mr. W. Horton that the Clanwilliam Emigration had succeeded ?

Reply. As far as regarded those who remained there, I did.

Is it your opinion that Mr. Shawe has succeeded in Kleine Valley, or that he is likely to succeed there ?

Reply. I think that if he had been prudent he would have reaped the benefits of his industry. He has succeeded, but I fear the circumstances of his domestic situation may interfere with his prosperity.

Has Mr. Woodcock been successful ?

Reply. No, I do not think he has. He has not cultivated any Land. He resides in one of the out-offices at my house in the Partridge Valley.

What were the steps that you first took in Ireland to secure your complement of Irish Emigrants for this Colony ?

Reply. The first step I took after I had made my arrangements with Government was to put an advertisement in all the Cork Papers to the following effect : That such persons as felt inclined to emigrate to the Cape of Good Hope with Mr. Ingram should bring with them a certificate from their clergyman or a magistrate, whether they were married or single, as it was my intention and the wish of Government, not to take away the Heads of Families and to leave their Wives and Children as a burthen on the Country. I sent a copy of this advertisement to Mr. W. Horton, who signified to me through Mr. Robinson his approbation of the terms of the advertisement.

Did many persons apply to you in consequence of this advertisement ?

Reply. An immense number applied.

Were they of the description that met the terms of your Advertisement ?

Reply. They were most certainly, and if they had come out with me they would have done credit to the country.

What was the reason that prevented them from accompanying you ?

Reply. Notices (I found) were posted up in the Roman Catholic Chapels, cautioning the people against coming out.

Were any reasons given for this caution in these notices ?

Reply. I am not aware of any.

Are you aware that any influence was used in Ireland to prevent the people from accompanying you to the Cape ?

Reply. I am positive that there was.

Do you think that it proceeded from the Roman Catholic Priests ?

Reply. I have been told by some of the people who gave me back their Indentures that they were prevented from accompanying me by their Priests.

Was it ever suggested to you that you ought to have brought out with you a Roman Catholic Priest ?

Reply. No, it was not. If it had been suggested I certainly would have done so.

Are you enabled to state the number of persons who disappointed you after having signed the Indentures ?

Reply. Not exactly, but they were from three to four hundred.

What measures did you take to supply their places ?

Reply. I was obliged to take those that offered indiscriminately, as the period for the ship's departure approached.

Then you have reason to believe that you have not brought out with you as good a description of persons as those who first offered ?

Reply. Certainly not.

How did it happen that so many of the Indentures were signed at sea, altho' they were dated at Cork ?

Reply. In consequence of a previous arrangement with the people, we found that many after signing the Indentures and living on board the ship were persuaded to, and did abscond, and to remedy this I agreed with the people that the Indentures should not be signed until the ship had unmoored.

Have you reason to believe that the conditions of the Indentures were perfectly made known to the parties before they signed them ?

Reply. To every one of them. The clerk I had (Mr. Freeman) spoke the native Irish remarkably well, and I made it a rule to give the Indentures to parties that they might take them to their homes to have them explained by their Friends.

You are aware that you are deficient in the number of persons that you contracted to bring out, by 50 ?

Reply. I think about fifty.

To what circumstance do you attribute that deficiency ?

Reply. To the people running away. I would have waited to have procured more, but it was intimated to me that if I delayed sailing until the Sunday a Priest would come on board and I should not have half the number. We sailed on Saturday morning at gun fire.

Why did you not apply to the magistrates of Cork to compel the people who had signed Indentures to perform their engagements.

Reply. It would have been endless trouble, and I consulted

a Lawyer upon the subject, who advised me against legal proceedings of the kind.

Did you compel those who had signed Indentures and had received provisions and subsistence on board the ship to compensate you for their maintenance ?

Reply. I did not. I do not think that any of them were able to pay me for it. I was obliged to give clothing to a great many.

Is it your intention to make up the deficiency of your number by any future importation ?

Reply. It is.

What number of persons was mustered by the Agent of Transports at Cork before the ship sailed ?

Reply. Four hundred and seven.

How does it happen that the deficiency is so great in the number of those that arrived in the Colony ?

Reply. During the two nights that the vessel remained in Cove, after the inspection, a great many people made their escape.

Did you apply for any assistance from the ships of war to prevent escape ?

Reply. I did not, I thought that I had no authority to do so.

What circumstances prevented the immediate departure of the ship after the inspection was made by the Agent of Transports ?

Reply. The ship only remained two days, and one day was consumed by the captain having to present some papers at Cork that he had left behind him. The muster roll was called on a Wednesday and finished by four o'clock, and the ship sailed on Saturday morning.

Was there any delay on the part of the Agent of Transports in preparing and signing the Certificate ?

Reply. None whatever.

How many persons have died at the Cape since their arrival ?

Reply. Eight in all, seven of whom were in my service at the time.

Have you duly informed the persons to whom you have assigned the services of your indentured servants that they

took upon themselves the performance of the conditions into which you had entered ?

Reply. I have uniformly.

Was it so expressed in the document of transfer ?

Reply. No, it was not.

Have any of the Servants been hired by Dutch Inhabitants ?

Reply. Several.

Do you find that they make objection to work in families where there are Slaves ?

Reply. I do not.

Have you many of your Servants who now work for yourself ?

Reply. About fifty.

The remainder are then in the employ of others ?

Reply. They are.

Have you reason to believe that they have changed their service ?

Reply. A few have.

What sums of money do you require for the alienation of their services ?

Reply. 300 Dollars for the Men, 200 for the Women, and 150 for the Children.

Do you conceive that the present rate of wages in Cape Town enables them to make their payments regularly ?

Reply. I do. Several that I know have paid in the sums due by them. I have given them certificates by which they have obtained passes.

Are your people chiefly Catholics ?

Reply. They are. There are not above 14 Protestants among the whole number I brought out with me.

Do you find that the children are as eagerly sought after as the adult servants ?

Reply. Boys and Girls from 12 to 14 years of age are most particularly sought after (principally for handicraft trades). I may mention one instance. One Dutchman, a carpenter by trade, has seven of my boys, and is even anxious to obtain more.

Have you hired out many of your people to Government for the roads made over the French Hoek ?

Reply. There were 15 Miners there at one time and one

Mason. That work is done, and they are now working for themselves in different parts of the Colony.

What has generally given rise to the complaints that have been urged by your people, and that have led to so many prosecutions in the Court of Justice ?

Reply. The prosecutions were generally brought on by those persons who had promised to sign Indentures on board ship and had refused to do so, and there were some persons otherwise well conducted who were instigated by these to oppose me.

Have you made any difference in the amount of your demand for releasing individuals from their engagements, between those who had and those who had not signed Indentures ?

Reply. In the first instance I did not. I settled with several of them on the same terms when they found the Law was against them. There are however Seven of my People who have been the Instigators of the opposition to me, and I determined to oblige them to pay more than the others who had signed Indentures.

Upon what principle did you refuse to accept the same sum from those who had not signed indentures as that which had been stipulated for by others who did sign them ?

Reply. Because I did not conceive it fair or just to place good and faithful men who would honestly fulfil their engagements on a footing with such Incendiaries.

Has the Court of Justice sanctioned your demand for higher terms from these individuals ?

Reply. They have never interfered, knowing that I have no other claim upon the people than for their personal services.

Have you conceived yourself authorized to employ the people at work to which from their trades and former habits they may have been unaccustomed ?

Reply. Certainly. I fully explained to every Individual of them in Cork that if they came out with me they must understand that they were to do every kind of work allotted to them. You will observe that this is particularly expressed in the Indentures. I told them at the same time that they would find no difficulty in getting employment in their own trades, but that if they did not they would have to do labouring

work for me, and it was perfectly well known in Cork that I was constantly engaged in building.

Have you considered yourself pledged by your engagements to provide suitable lodgings for the people ?

Reply. Certainly, and you will find it provided for in the Indentures.

Have any of the people complained to you of the Lodgings you have provided for them ?

Reply. No, not to me, tho' I heard that one of the women had made such a complaint to the Commissioners of Inquiry. She with many others is to go into a new and comfortable house this day.

(Signed) J. INGRAM.

[Enclosure 7 in the above.]

*Evidence given by WILLIAM HAYWARD, ESQRE., to the
COMMISSIONERS OF ENQUIRY.*

25th April 1825.

Do you know Mr. John Ingram, lately a Settler in this District ?

Reply. Yes (known to those who gave the following information).

Of what description were the persons who came out with him in the first Emigration ?

Reply. Mr. Shawe, not acquainted with them, but believes of the usual composition of Mechanics and Labourers.

Were there any Persons among them who were capable of instructing Children or who acted in that capacity, and did any or many of Mr. Ingram's party profess the Roman Catholic Religion ?

Reply. Mr. Shawe states that Mr. Barry acted as School Master. Captain Synnot confirms this and believes him to have been capable. A great many were Roman Catholics.

How and where were they employed during the first year after they arrived ?

Reply. Principally preparing for Building the House in Partridge Valley. Du Toit states also putting in order the water-course from Taay Bosch Kraal.

Can a supply of water be conveyed to the arable land of the Partridge Vallies during the whole year ?

Reply. Du Toit the occupant states, not at the Partridge Vallies, but on the Land called Bloomfield as long as the Corn is on the ground, but this with difficulty ; that is good Land, but lies on a Slope under a Karroo or Clay Hill. On Partridge Valley there is a small piece of good Land for Arable, which he is fearful to try, as he cannot water it.

What quantity of Rice did it produce the first year, and what quantity do you conceive it capable of producing ?

Reply. None in 1820 and 1821. Captain Synnot and Mr. A. Bergh state that in 1822 Mr. Bergh, then Deputy Landdrost, sowed in the Drostdy Garden $\frac{1}{4}$ th of a Muid of Rice, according to his usual custom ; this was transplanted out by Mr. Bergh's people into Mr. Ingram's Land at Bloomfield. A return of the produce was made to the Colonial Office, and which Mr. Ingram offered for sale to the Colonial Government.

What number of Cattle would the pasturage of the Two Vallies and the Taay Bosch Kraal bear during the year, and are they favourable to the breeding of Cattle or Sheep ?

Reply. Mr. Shawe thinks they could support about 80 during the year. In general it is favourable for Breeding, tho' some losses have occurred from the Sponge Sickness. Du Toit states if the Season is favorable he can keep 100 Cattle the year round. He must then not sow, as the best Winter Pasturage is the Karroo Hill, at the foot of which is the long strip of arable Land, being what is called Bloomfield, and which Arable ground is also the best Pasturage. The Cattle are subject to a Sickness called the Sponge Sickness. Goats all perish. He has not much experience in breeding of Cattle, and he only keeps Sheep for his own consumption. A. Van Wyk thinks those Lands would support about 100 Head of Cattle the year round.

Is the Climate of the District of Clanwilliam favorable to the constitution of European Labourers ?

Reply. Shawe states the Climate of Clan William to be healthy. Captain Synnot thinks not, the Summer heat is too oppressive.

Mem. It appeared to be very relaxing, the Heat in the valley of the Oliphant's River is excessive.

Are the Climate and Soil of Clanwilliam favorable to the production of Wheat and other Grain ?

Reply. Shawe thinks the Climate favorable. The Kleine Valley about 20 muids of wheat produced 200 muids, and without particular care. Were care used more might be grown. Du Toit states that in Partridge Valley there is a small piece of good Land, which he is fearful to try, as he cannot water it. Bloomfield is fair land, can be watered, but lies on a slope. It is stated by several that the average gain is 20 for 1, they usually sow at the rate of $\frac{1}{2}$ muid on one Morgen. Irrigation is the only manure, there is no Corn Cultivation carried on without it.

How many Muids of Corn or other Grain were produced this year in the Partridge Vallies by the Tenants of Mr. Ingram ?

Reply. Du Toit the Occupant states that Three Muids of Wheat were sown, which returned about Sixty Muids. One Muid of Rye Sown and Eleven returned. Half muid of Barley sown and sixteen returned. Three Muids of Oats sown and One Hundred returned. All sown on the Land called Bloomfield.

What is the rate of wages given to an European Labourer ?

Reply. None at the Drostdy. Native Labour 4 Skillings and Food.

What is the rate of wages of a mechanic at present in the Drostdy ?

Reply. Two to three Rix Dollars according to their merits, and food.

What were the terms of purchase between Mr. Ingram and Mr. Shawe for the Kleine Valley Estate ?

Reply. Two thousand five hundred Rixdollars. Made further purchases of 150 Acres from T. Greenwell for 1500 Rixdollars, which is the best corn Land in the valley, and of 100 acres from J. Hore for 300 Rixdrs.

Has Mr. Shawe succeeded in the cultivation of this property, and what are the great obstacles that he has found opposed to it ?

Reply. Yes, He cannot complain.

What quantity of this Land is Arable and capable of irrigation ?

Reply. Mr. Shawe states none to be Arable but what is

capable of irrigation, in all about 150 Acres. In most years he can irrigate, it is only in very dry seasons that he cannot. It is found that Mr. Shawe possesses little or no means, either in money or agricultural Stock and Implements. He let his Land the last Season to a native Inhabitant, A. van Wyk Junior, to whom it was considered best to have recourse for the desired information. He states the hiring was from May 1824 to the Autumn (March) 1825. The terms were a payment of 200 Rds. and 16 Muids of Wheat. The Tenant had liberty of range for 60 Cows. The produce of half of 40 of which was to be given to Mr. Shawe and a further payment of 3 Skillings per month for the other half. The remaining 20 being kept on the Land for farming purposes were pastured free of charge. The produce was 8 Calves, 170 Rds. of Oat Hay sold, 200 Muids of Wheat, 30 Muids of Barley, 10 Muids of Rye. A new arrangement for the ensuing season was also about to be made between the parties. Joint Cultivation was to be the principle of it.

What number of families does he think it could subsist ?

Reply. Mr. Shawe thinks about 30 persons, as *one family*, not 30 Persons possessing separate allotments, and specially states labour of the Country, and not Europeans. He would be glad to have under him 40 Persons.

What is the number of Persons now remaining in the District of Clanwilliam that originally emigrated in the year 1820 ?

Reply. By the Landdrost's returns there are 12 men, most having families, and three unmarried women in the District. There are now remaining on the Lands Shawe, McClelland, Du Toit, Tenant to Ingram, Synnot.

To Mr. Du Toit :

What was the value of the Stock that Mr. Ingram left with you at his Departure for England, and of what did it consist. Specify the kind of stock, and the value of each head at that period ?

Reply. Twenty or Twenty Two Head, Cows, Heifers and Calves. Two Spanish Ewes, which Ingram gave to Du Toit's Daughter, but which at the request of Ingram on his return to the Colony were returned to him in November last. States that he made no Calculation as to the value of this Stock, but the Cows were old.

State what you think to be the value in Rix Dollars of the Rent you now pay in kind to Mr. Ingram for the Partridge Vallies and Taaybosch Estate ?

Reply. Du Toit states he had never made a Calculation.

Mem. The price of an ox is 25 to 30 Rix Dollars, Cows 12 to 15 Rix Dollars.

What do you conceive their Extent to be ? Have they been measured and surveyed, if so, state by whom ?

Reply. Du Toit thinks that he has command over 3000 Morgen.

Mem. It has been measured and surveyed by Mr. Tulleken, and contains 3691 Morgen, 398 square Roods. Extracted from Entry in Office Book. The Copy of the Diagram shews that the proprietor can command a large Space, about 2000 Morgen of Karroo, Winter Pasturage. It is the Hill and its Summit, directly opposite Clan-William to the East.

Have any of the Offers made in Advertisement of Mr. Ingram for the Lease of Erven of Lands near the Subdrostdy been accepted, and have any houses been built ?

Reply. None ever heard of. No houses have been built.

Had Mr. Ingram any Timber at the time that he made these offers that would have enabled him to have supplied the quantity of wood that he tendered ?

Reply. Captain Synnot states that he purchased the whole for 500 Rix Dollars, and which was of very inferior quality, and proved to be a very bad purchase.

Is the House that Mr. Ingram built a large one, and of what materials is it constructed ?

Reply. It is a long Building in the Cottage Style, divided into several Rooms, it is very indifferently constructed with stone from the neighbourhood and covered with Thatch.

The foregoing, collected by me at Clanwilliam in March 1825.

(Signed) WM. HAYWARD.

[Copy.]

*Letter from the Commissioners of Enquiry to the
Landdrost of Worcester.*

CAPE TOWN, 3rd June 1825.

SIR,—We have the honor to enclose to you certain Interrogatories, which we request that you will take the trouble of proposing at your earliest convenience to Mr. Tulleken, the Surveyor of your District, after administering an oath to him to declare the Truth:

We have likewise the honor to call your attention to the answers given by Mr. Tulleken to former interrogatories that we proposed to him upon the same subject, which were not taken upon Oath, nor in our presence. We regretted to find from the contradictions, that you will observe between Mr. Tulleken's answers to the first and second set of Interrogatories, that he had rendered it essentially necessary that we should interrogate him further, both with a view to reconcile those contradictions and to enable us to compare his account of the Transaction with those that we received from others who were Eye Witnesses of it. We accordingly requested his attendance on the 20th Ult., but as he has produced to us a medical Certificate of his inability to take a journey on Horseback to Cape Town, we have deemed it expedient to request your assistance in obtaining his answers. After that object has been satisfied we beg leave to request that you would take an Opportunity of pointing out to Mr. Tulleken the Discrepancy that exists between his first and second answers, and to inform him that if he should not be able to afford us a satisfactory explanation, we shall feel it our Duty, in accounting for the great delay that has occurred in consequence of Mr. Tulleken's want of accuracy, to submit his conduct to the notice of His Majesty's Secretary of State. We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from MR. CHRISTOPHER TENNANT to the LORDS OF THE TREASURY.

1 OLD BROAD STREET, 3rd June 1825.

MY LORDS,—In October last a Whaling Ship the *Nereid*. Captain Giles Wade, belonging to me, left Table Bay at the Cape of Good Hope, two days after the Vessel had been at sea the Master discovered a stranger on board who stated his name to be Alexander Stuart, who passed by it until the Ship arrived in London last month, he now goes by the name of James Scott and resides at 15 Old London Street Fenchurch Street, and I understand that during the passage here he confessed he had been engaged with a Mr. Edwards who is transported from the Cape for writing libels on Lord Somerset the Governor. What other offences he may have committed in the Colony I am not aware of, but being satisfied he is a dangerous character, I think it my duty to apprise your Lordships of the circumstance. I have &c.

(Signed) CHRISTR. TENNANT.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 5 June 1825.

MY LORD,—In reply to Your Lordship's Despatch of the 22nd November 1824, No. 132, I have the honor to transmit to Your Lordship detailed Explanations of the reasons by which I was governed in incurring the various Items of Expenditure appearing in my Accounts for the year 1819, to which Your Lordship is not prepared to give your sanction without further elucidation upon the subject.

If among them there appear any payments which could not without serious prejudice to the Service have been referred for Your Lordship's previous sanction I have to crave Your Lordship's pardon for the omission or for not having imme-

diately reported them. I trust however that the Explanations I have afforded will remove every Impediment to their being admitted and I feel that I may confidently assure Your Lordship, that the Regulations I have now established in every Department of this Government on the Head of Expenditure cannot fail to ensure in future the most punctual observance of the Treasury Regulations. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Detailed Explanation of the Reasons for incurring the Under-mentioned Items of Expenditure appearing in the Accounts of the Government of the Cape of Good Hope for the year 1819, called for by EARL BATHURST in His Lordship's Despatch of the 22nd November 1824.

Appointments.	Date of Appointment.	Salary.
1. A Wharfmaster at Cape Town .	1 April 1819 .	Rds. 3,500
2. Clerk to do.	" .	720
3. " "	" .	720
4. Commandant at Robben Island .	27 August 1819 .	10s. stg. per diem
5. An Instructor at Kookfontein in the Division of Beaufort .	5 March 1819 .	Rds. 700

Remarks.

1, 2, and 3. The Income arising from this Branch of Revenue on an average of the last Four years amounts to nearly Rds. 19,000 annually, the average charges of this Establishment to Rds. 4,940, thus leaving a clear annual profit of Rds. 14,060.

4. The frequent attempts to escape that were made by the convicts confined on Robben Island called for the immediate adoption of some measure by which the evil might be prevented. The most obvious policy was to place the Island in charge of a Commandant who would not only attend to the Security and conduct of the convicts and apportionate their Labour, but also see that their treatment and Supplies were such as were fitting. The result has proved the Wisdom of the measure. The Officer selected was Captain Petrie of the 60th Regiment

(since dead). The discrepancy in his Christian name probably occurred from some Clerical Error. The present Commandant is Lieutenant John Humphries on the half Pay of the 72nd Regiment, who married a Colonial and is master of the language.

5. In the hope of Promoting Civilization amongst the Native Tribes in this quarter, upon a similar plan to that adopted by Messrs. Thomson and Brownlee amongst the Kaffers. He however failed in his endeavours and the appointment was discontinued on the 13th April 1821.

Pensions.

1. Member of the late Insolvent Estates Chamber, C. Nelson, (died on the 19th April 1824) from January 1819, Rds. 1,125.

2. Member of the late Insolvent Estates Chamber, J. F. Serrurier, from January 1819, Rds. 1,125.

3. Landdrost of George, A. G. van Kervel, from 1 October 1819, Rds. 2,000.

Remarks.

1 and 2. My Dispatch of the 28th December 1818 will explain the new arrangement proposed for this office, from which a saving of Rds. 5,400 was eventually to accrue to the Public. The Auditors of Colonial Accounts remark that the saving is almost wholly absorbed by the Pensions of the retired members of the old chamber. It was impossible to dismiss old Servants whose long and faithful services gave them strong claims to consideration without making some provision for them. It is presumed that the Stipend afforded them, Rds. 1,125 or £84 7s. 6d. per annum, is as small as it was decorous to offer them.

3. This officer being totally incapacitated from performing any Official or Public Duties from age and very feeble health, claimed the usual retirement of a Landdrost on the score of long and faithful services.

Increased Salaries.

1. The Postmaster, Cape Town, R. Crozier, 16 December 1819, from Rds. 2,500 to Rds. 5,000,

2. Clerk to the Postmaster, Cape Town, M. J. Onkruidt, 16 December 1819, from Rds. 900 to Rds. 1200.

3. Postmaster, Graham's Town, F. Staedel, 29 November 1819, from Rds. 150 to Rds. 300.

Remarks.

1. When His Majesty's Postmasters General withdrew their commission of Deputy Postmaster General from this Colony, it was indispensable to provide for the performance of the foreign branch of this Department. The Postmaster's Salary was increased to Rds. 5,000 (£375) per annum, on his undertaking both duties. It must be observed that the Duties as well as the Revenue of this office had rapidly encreased, and that Mr. Gall's Salary (the present Postmaster's Predecessor) was £500 Sterling per annum. The following is a comparative Statement of the Post Office Revenue in Mr. Gall's time and the present, which proves the extensive Encrease of Duties as well as the large augmentation in that Branch of Revenue. 1814, Rds. 6,381 2 ; 1815, Rds. 9,193 4 ; 1823, Rds. 26,846 2 2 ; 1824, Rds. 27,490 6 4.

2. This Encrease was quite indispensable. The situation is one of trust as well as of constant attendance and confinement, and it cannot be supposed that a Person in whom confidence can be placed can be found for such Duties at a Less Salary than Rds. 1200 or £90 Sterling per annum. I consider him greatly underpaid at present.

3. This encrease only placed the Postmaster at Graham's Town on a footing with other Postmasters. The Population there being English the correspondence is nearly tenfold greater than at other Stations.

Unfixed Contingencies exceeding in amount Two Hundred Pounds Sterling.

1. Articles supplied and repairs done to the Wharf at Cape Town, Rds. 2,687 6 2.

2. Repairs to the Wharf at Simons Town, Rds. 4,138 5.

3. Alterations and repairs to the Town Prison. Rds. 2,250.

4. Erecting a Stair case in the entrance of the Court Hall, Rds. 2,352.

5. Expenses incurred in conveying the Governor to Algoa Bay and for several detachments of Troops to and from that place, Rds. 5,440 1 0½.

6. Purchase of a House and Premises at Graham's Town, Rds. 12,000.

7. Purchase and equipment of the Government Schooner *Agnes* and Sloop *Buckbay Packet*, Rds. 21,234 5 3¼.

Remarks.

1. The state of the Wharf at the period when these repairs were undertaken was such that if any delay had occurred until a previous reference could be made for a regular authority for incurring the charge, dilapidation would have proceeded rapidly, and the ultimate expense been considerably increased, and the public would have been deprived of that accommodation for which they paid a considerable Duty under the Article of Wharfage.

2. As Wharfage Duty was established justice to the Public demanded the necessary Repairs to the Wharf.

3. Reported indispensable by the Fiscal, who is at the head of the Police.

4. The inconvenience arising from the want of a stair case at the Public Offices, there being no means of communication with the Apartments on the first floor, except by a flight of Steps inconveniently placed, rendered this addition necessary.

5. The Expense charged for the Passage of the Governor and Suite to and from Algoa Bay was an allowance (£100 Sterling) made to each Captain, not exceeding the Scale fixed by the Admiralty. The Governor was proceeding to Caffraria for the purpose of making peace with the Caffers, which he most successfully effected. His Expenses by Land would have been more than double. The remainder of this charge, viz. Rds. 3,240, was for services connected with the prosecution of the Caffre War, and indispensable for the prosecution of that important Service.

6. This House was purchased by the Government and appropriated at that time to the use of Lieut. Colonel Willshire, the Commandant of the Frontier. It was afterwards given over to Major Jones by the Colonial Government, and has subsequently been the Residence of the respective Landdrosts.

When the Drostdy House shall be finished it will contain all the necessary offices not included under the Roof of the Drostdy and a great expense in hiring incommodious Buildings for the Public Offices be saved to the Public.

7. The circumstances relating to the purchase by auction of the Schooner *Agnes*, late *La Sylphe* (which was condemned as Prize) have been fully detailed to Lord Bathurst in my Despatch of the 1st December 1819. She was purchased in order to be employed on the Coast to replace the only vessel belonging to the Colonial Government, the *Isabella*, which had been unfortunately lost. In consequence of the condemnation of this Vessel (as Prize) having been reversed by the Authorities in England, she was restored to France, and Mr. Courtenay was directed to receive the amount. It is credited in Mr. Courtenay's account on the 2nd September 1820. In authorizing the purchase of a Sloop to be employed between Buck Bay and Table Bay, my object was to check unwise Expenditure. Lime being continually required from Buck Bay for the repair of Government Buildings it was considered more economical to make this purchase than to hire freight at the exorbitant rate frequently demanded.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

NEWLANDS, 6th June 1825.

GENTLEMEN,—A conversation I had with Mr. Goulburn when I was in England, having impressed me with the conviction that Earl Bathurst's sanction to the rebuilding of Newlands had been sent here during my absence from the Government, I have inadvertently been led to authorise from time to time the expenditure incurred thereon, as well as the repairs to it which have since become necessary, and particularly also those to the out-buildings which suffered very material damage in July 1822, and the subsequent winters.

I was not aware of the error I had thus committed, until a few days since, when on being about to transmit the Accounts of this Government for 1824, I discovered that no specific authority had been received, and that consequently I had involved myself in a very heavy responsibility, the unfixed contingencies in the Accounts of this Government for the years 1822, 1823, and 1824, not having been made up according to the Instructions of the Lords Commissioners of His Majesty's Treasury.

Under these circumstances it is an object of great importance to me that some other testimony than my own assertion should satisfy Earl Bathurst, that neither ornament nor embellishment have been introduced in the Buildings at Newlands, and that the nature and extent of them (if even considered adequate) do not exceed the measure of proper accommodation for the Governor of this Colony, and feeling as I do that no testimony would be so valuable or acceptable as yours, I take the liberty of soliciting you to inspect the Buildings at Newlands, with a view of forming an Opinion upon the points above alluded to. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Ordinance of HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
for making British silver money a legal tender in discharge
of all debts due to individuals and to Government, at the
rate of one shilling and sixpence for each paper rix dollar.*

Whereas His Majesty's Government has determined to establish the British currency as the circulating medium of all the colonial possessions of the Crown, and has further been pleased to order and direct that the British silver money shall be a legal tender in this colony, in discharge of all debts due to individuals and to the public, at the rate of one shilling and sixpence for each paper rix dollar, and so in proportion for any greater or less sum ;

His Excellency the Governor in Council is pleased to enact

and declare, That from and after the date of this proclamation or ordinance, British silver money shall be a legal tender in this colony, in discharge of all debts due to individuals and to the public, at the rate of one shilling and sixpence for each paper rix dollar, and so in proportion for any greater or less sum.

His Excellency in Council has in consequence issued the necessary instructions that a Table or Scale shall be printed forthwith, specifying the relative value of the paper rix dollar, and of all the lesser proportions thereof, with British money, in order to regulate the payment of the established government duties, fees, &c. until such time as new schedules of duties, &c. shall be made out.

The Governor in Council is further pleased to order and direct, That from and after the 31st of December next, all heads of departments in this colony, and all other civil servants therein, shall render their accounts in British money; and that all contracts entered into, or purchases effected by the civil departments for the public service, after that date, shall also be made in British money.

And that no person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King.

Given at the Cape of Good Hope this 6th day of June 1825.

By command of His Excellency the Governor,

(Signed) R. PLASKET, Secy. to Governm^t.

By order of the Council,

(Signed) P. G. BRINK, Act^g. Clerk of the Council.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th June 1825.

MY LORD,—In the Despatch I did myself the honor to address to Your Lordship on the 25th of October last No. 120, I detailed to Your Lordship the arrangement I had made for

the performance of the Clerical Duties at Graham's Town and those to the Military at Cape Town until Your Lordship's pleasure was known.

I have now the honor of stating that the Reverend Mr. Collison has this day informed me that it will not be in his power to continue his Services as Military Chaplain beyond the expiration of the present month.

Under these circumstances I have to solicit Your Lordship to send out a Clergyman to relieve the Reverend Mr. Ireland, who cannot relinquish his Military Service, as by so doing he would forfeit the benefit that will eventually accrue to him from his long Service in that Department.

I am happy to say that the general harmony and good feeling which has prevailed at Graham's Town since my visit there, has rendered it by no means an ineligible residence for a clergyman of respectability. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 8th June 1825.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Despatch No. 127, of the 24th October last, enclosing copy of a communication which had been received from the Treasurer of the London Missionary Society, on the subject of the Lands prayed for by Doctor Philip on behalf of the Bethelsdorp Institution, and I have to acquaint Your Lordship that I have authorized the Lands in question to be given over to the Superintendent of the Missionary Society at Bethelsdorp, Mr. Kitchingman, for the use of the Hottentots of that Institution. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 8th June 1825.

MY LORD,—With reference to the dispatch which I had the honor to address to Your Lordship under date the 31st March last, on the affairs of Albany, and especially on the subject of the new Town and Establishment at the Kowie Mouth, now called Port Frances, I have to apologize for having omitted to report to You therein that I had authorized a small Schooner to be built for that Port, of a size to admit of her going over the Bar.

In September last the Harbour Master at the Kowie suggested that an additional Schooner should be built for that Station to facilitate the loading and unloading of Vessels resorting thither. It was originally proposed to have it constructed on the spot, but upon consideration that it could be effected in Cape Town much cheaper, that plan was abandoned, and the Deputy Port Captain was authorized to advertise for Tenders, and to accept the lowest, which was at the rate of Two Hundred and forty nine Rixdollars per Ton. The Schooner is now completed, and admeasures Thirty Tons, so that the whole expense comes to Seven thousand four hundred and Seventy Rixdollars. I must therefore solicit Your Lordship's sanction to the same. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 8th June 1825.

MY LORD,—In reply to Your Lordship's Despatch No. 129 of the 26th October last, enclosing a Memorial from the Widow of Captain Sparkes, late of the Royal African Corps, praying for remuneration for losses sustained by Her late Husband at Frederiksborg, I have the honor to inform Your Lordship that

a grant of Land has been made to Mrs. Sparkes in the district of Albany, where she resides, as a compensation for the losses stated to have been sustained by her late Husband.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 8 June 1825.

MY LORD,—Mr. Robert Knox of Scarborough who commands a Trader (The *Luna*) between this Port and London lately brought me a Letter of Introduction from the Duke of Rutland assuring me of his respectability and of the Science he had evinced in the opinions he had given relative to the Mole in the Harbour at Scarborough.

Mr. Knox communicated to me his wish to be permitted to survey and take Soundings of Table Bay with a view to ascertain the practicability of constructing a mole in it capable of admitting 5th Rate men of War and even Line of Battle Ships if lightened of their Guns.

Of course I readily availed myself of Mr. Knox's Services and have now the honor to transmit his Report on the Subject to Your Lordship with Mr. Knox's Plan. I attended Mr. Knox to the Spot and he appears a sensible, cautious and scientific man, and the best proof of his not being actuated by interested or speculative motives is that He did not solicit to be at all employed in the work, nor even to demand or expect the slightest remuneration for the Trouble and Expence incurred in his Surveys of the Bay.

There can be no Question of the magnitude of the Benefit that would accrue to this Settlement could this Improvement to Table Bay be successfully accomplished. At the same time should Your Lordship consider the measure proposed worthy of your favourable consideration I would venture to recommend that a Civil Engineer of reputation should pre-

viously be sent out to ascertain if success would be certain and to Estimate also the Expenditure with accuracy.

Your Lordship will perceive that Mr. Knox calculates upon the labor of Convicts, indeed it is by such means alone that it could be accomplished here, the Scarcity of Labor in the Colony encreases daily and the work could never be completed by Labor within the Colony. The subject of employing Convicts from England at this place is one that I have long wished to submit to Your Lordship. The labor of from three Hundred to Five Hundred Convicts employed in making Roads and opening communications with the Interior would give a new feature to the Capabilities of the Colony and bring incalculable benefits with it. A proportionate Military Force (part of which should be Cavalry, the whole Country being entirely open) would effectually secure them from desertion.

Convicts could be fed here infinitely cheaper than in New South Wales, and a very considerable Sum would in the first instance be saved by the Comparative shortness of the Voyage.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE OF GOOD HOPE, *May 10th 1825.*

To the Secretary to the Government of the Cape of
Good Hope.

SIR,—Having, by permission, made a Survey, and taken Soundings round the Western Shore of Table Bay, I can now more confidently discuss my propositions, to His Excellency, on the practicability, estimate of expence, the necessity and means of constructing a safe and commodious Mole or Harbour in Table Bay, for general commercial purposes; the admission of Fifth-rate Men of war, and probably for line of battle Ships, when lightened of their Guns and Stores; wherein they might be repaired, with facility, in the greatest Security, and that Docks might be constructed within the enclosed area for that purpose.

In order to begin at the right end of discussion, it may not

be improper to preface this Report with an essay shewing the necessity for such a Harbour or Mole in Table Bay. Indeed upon this subject there can be no controversy. If we take a survey of every Port in His Majesty's dominions, and compare their importance with the great commercial and increasing importance of the Cape Colony, Table Bay will be found, in the Winter Season, the most dangerous loading and delivering Port and anchorage in the world. It is indeed really appalling to the most stout hearted sailor, when riding here with his Bark, amidst foam and broken waves rolling unimpeded many hundred miles from the ocean, with an awful prospect under his lee, there being no outlet to run through as from the Downs and Yarmouth Roads, or from Plymouth Sound, into Bat water, or Hamose. But, here he must ride, until his vessel founders ; or which is equally fatal, if she parts from her anchors, she is dashed to pieces upon the Shore.

It was in this Bay that the *Sceptre* of 64 guns, in 1799, broke from her moorings and drowned all her crew, and since that period there is a long catalogue of ships wrecked and lives lost, in Table Bay. It is doubtless, on account of the dangerous anchorage in this Bay, during the Winter months, that the less convenient position, in Simon's Bay, is appointed the general anchorage and rendezvous, both in the Summer and Winter Season, for His Majesty's Ships of War.

During the time of the Dutch period at this Colony Table Bay was deserted from the 10th May until the approach of Spring ; and British Ships many years after followed their example, by shifting round the Cape to Simon's Bay, during the prevalence of the North and North West winds. But as the commerce of the Colony has increased to a great magnitude since the Dutch period, and Simon's Bay being altogether unavailable for commercial purposes, Ships now frequent Table Bay all the year round ; and it is a melancholy truth that scarcely any great Northern gale occurs, without driving some of them upon the Strand. Indeed in the present unsheltered state of the Bay, Shipwrecks must become more common as the commerce of the Colony and that of the East Indies increases, by bringing more ships to it.

Passing over the numerous Shipwrecks, since the loss of the *Sceptre* in 1799, and even those in the recent tempestuous

Winter of 1822, I select the casualties of the shipping anchored in Table Bay during the Winter Months of 1824, because it was comparatively moderate, and being myself in my own Vessel, anchored in the Bay, the greater part of this time.

Three smart gales between North and North-West, (but no great storm) occurred this Winter. The effects produced by these may however serve to establish a criterion for comparing the fatal casualties occasioned by worse weather. In one of these tolerable, moderate gales, my own vessel parted from an anchor by the ring breaking and the pauls of her windlasses upset. The *Maitland* Indiaman parted a chain cable. In another of these gales, the *Britannia* drove considerably, the *Hottentot* parted a chain cable, and the *Usk* upset her Pauls and broke her windlasses. These were five out of the seven Vessels in the Bay at those times. In the last of the three gales, the *Usk* broke an anchor and parted two chain cables, and the *St. Antonio* drove on shore and broke up. These were two out of the only three square-rigged vessels in the Bay at that time. Hence from this enumeration of accidents, an inference may be drawn of the dangerous nature of Table Bay in the Winter season, and that if those gales had been as violent as they often are, all or most of the vessels named must have gone on shore; neither is there any remedy in the present unsheltered state of the Bay. It must remain a continuous evil. The construction of a Mole alone can be the antidote. For if it be true, as some assert, that even the piers of a Mole would scarcely withstand the violent concussion of a Northern storm, it is then morally impossible for ships to hold at anchor, at such times, in this Bay. But we know from experience that the piers of harbours stand, although sometimes injured, when ships at anchor without them cannot ride.

In gales of wind from South-east or what are commonly termed South-easters, Ships in Table Bay are kept at their moorings more easily with Stream cables than with bowers in North-westers of equal violence, because the latter drive in a tremendous sea which occasions a heavy pitching; consequently violent jerkings upon the anchors and cables, windlasses and bitts, by the sudden twitches of the cables, ships spring ahead and lie then slack under forefoot, then in an instant after they are beaten back by the driving storm and furious waves,

acquire accelerated stern way, again suddenly jerking and thus alternately slacking their cables, and straining their tackle, until some part overstrained gives way. This hard riding is peculiar to Table Bay, perhaps on account of its shallow water and there being no current to prevent ships springing ahead, whereas in South-easters, the cables are always tight, and have an equal strain, the water being smooth. Finally, in the case of necessity for constructing a mole in Table Bay, Humanity pleads for the lives of her subjects and Commerce for the property of her merchants.

A Mole upon the Western Shore of the Bay would obviate all this evil and inconvenience in the loss of time so common to this Bay in dispatching business, and which must occasionally happen even on the greatest emergency of public Service, whether in storing men of war and fleets of Transports and embarking troops, or in sending off anchors and cables to save ships in distress from the Strand.

As to the common routine of business in loading or landing the commerce of the country the detention is excessive; for what with South-easters and North-westerns, rainy days, holydays and Sundays, and days of detention by swell of Sea in the Bay, there are often only a few working days remaining in a month.

I suggest the construction of a Mole in preference to a Breakwater because the former would prevent an accumulation of sand in the harbour, and it might be cleaned and even deepened by excavation by the simple operation of dredging, as all harbours that do not possess dry and wet-docks in England are cleansed. In the manner that ballast men drag up millions of tons from the bottom of London river, and because it would be at all times perfectly smooth within, both in Northern storms and South-easters, whereas a harbour formed by a breakwater alone would be subject to shallow or bank up with sand by the current in high storms, setting round the Bay, until it reached the Breakwater, where becoming quiescent, the sand would deposit, for sand agitated in water and put into motion is more buoyant than is generally imagined. The embankment that would accumulate here would probably be too great and too expensive if practicable to be counteracted by manual labour, or even by mechanical invention. And

then it would be no harbour in South-easters, which occasion so much detention in the dispatch of business ; but on the contrary would be an obstruction in the Bay by preventing Ships leaving it when South-easters prevailed.

Next to the present dilapidated jetty or landing place, the enclosure of Rocky Bay with a Pier as delineated upon the accompanying plans, would be the least amendment that could be made. This would doubtless be a very great improvement, yet it would only be improving the landing place and forming a boat harbour, as there is scarcely six feet depth to it at low Spring tides. I therefore abandon this position as being quite inadequate for remedying the great existing evil and notice it merely that it may not pass over without some remark.

The next practical improvement that might be made, and which would indeed be a very important one, would consist in the construction of a pier upon the line A B C, projecting into the Bay between Chavonne and Amsterdam Batteries. Immediately within the enclosed area of this boundary there is twenty feet at low water Spring tides, and it might be deepened a few feet all over by excavation. It would therefore admit Fifth rate men of war, with all their guns, tackle and Stores, on board, and Line of battle ships when lightened of their guns and stores, wherein they might be received in floating docks or hove down in perfect security. Besides all merchant vessels of less draught and dimensions might enter, mooring them in tiers, as the water within would always be smooth. The aperture or mouth of this mole is at B. Its Northern arm or pier B C would require to be of greater substance than its Southern arm or pier A B, as the former would be exposed to the fury of Northern Storms, while the latter would be sheltered and be in smooth water. The top of this pier A B might be McAdamized, and made with great advantage the commercial Wharf, for landing and shipping the commerce of the Colony, making it broad enough for two waggons to pass each other, as a mere wall would exclude the sand brought round with the current and the rippling waves upon the water caused by strong South-easters. This would be the most eligible position for a Harbour in Table Bay for Ships not drawing more than twenty feet water. It would be convenient for the Town, and

interfere with nothing. The North pier or arm B C of this mole might, however, require a Breakwater or reef of rocks laid out in the direction of C D, as an outwork for its protection against the waves in great gales from North and N.N.W. coming in the direction of the Arrow marked upon the plan.

But should the Sea at such times even spray over the pier B C, and cause a little agitation in the Mole, there would then be several feet more depth in water, and could be no danger of ships drawing twenty feet water lifting or pitching to touch the ground when moored in their own berths, as it is an invariable consequence for water to rise in this Bay in proportion as the waves are forced into it, and therefore rises considerably above the common level.

It may be further remarked that this Mole would admit upon emergency the greatest part of the tonnage that enters Table Bay ; and that in a few years time would probably admit all the Ships trading to the East Indies ; as that trade will doubtless at no distant period be carried on in Ships between two and six hundred tons, all of which might enter this Mole when laden.

But a Mole or Harbour of deeper capacity and more generally useful than that of A B C might be constructed upon the line E F G, to take in Line of battle Ships, with all their guns and Stores on board, there being immediately within the boundary E F G full twenty-six feet depth at low Spring tides. Its aperture or opening is at F. This however would be a work of greater magnitude and expence, less convenient from being further from the Town, and more difficult to secure its piers against the treaching (sic) waves than the other plan A B C. This would also require a Breakwater or reef of rocks run off three hundred yards in the direction G H, as marked upon the plan.

With this outwork in front to break the Sea, the Northern arm or pier F G would not require a Substance equal to that of Plymouth Sound Breakwater (perhaps one third less would be sufficient). The Southren arm or Pier E F, as in the case of A B, would require only to be a convenient waggon way of not more than half the width of F G. This enclosure would form a grand spacious Harbour and answer every desired

purpose. But should it however be deemed an undertaking too difficult to secure its piers, the plan upon the line E K G would still make an excellent spacious Harbour, having twenty-four feet depth at low spring tides immediately within its boundary line, which is four feet greater depth than within the boundary line A B C, and its piers might be constructed with equal facility and Security. Its aperture or opening is at F. This Mole would take in line of Battle Ships upon emergency or Indiamen and all others of less draught and dimensions. And although it would be two furlongs further from the Town, than that of A B C, yet the Road to it would be as good, and neither the Mole nor the road would interfere with anything.

In drawing up an estimate of expence for constructing the piers of a Mole in Table Bay there can be no reference to the very expensive jobs of Ramsgate piers and Plymouth Sound Breakwaters, as there is not the least similarity of circumstances between the first case and the two latter.

At Ramsgate the piers are finished in the highest style possible for promenade and all the stone in them was carried thither in vessels from nearly both extremities of the Kingdom, at least from Portland and from Whitley.

But in this case the revenue appropriated was so enormous that the most extravagant Engineer could scarcely find means to exhaust it ; and oeconomy seems to have been a secondary consideration. The lime stone of which Plymouth Sound Breakwater is constructed was quarried in a hill over Catwater, then carted and put into small vessels, and carried some miles by water through the Sound to the Breakwater. Hence the expence in freight by water alone must have swallowed up a great portion of the funds appropriated to the Service of these two grand and useful works.

Whereas for the construction of a Mole in Table Bay, as excellent Stone for the purpose as the calcareous free Stone of Portland or silicious free Stone of Whitley or the lime-stone of which Plymouth Breakwater is built may be quarried everywhere along the Shore, even at high-water mark, between Amsterdam and Chavonne Batteries and thence Northward to the Oil house at only a few yards from the piers of the Mole proposed. Thus there is not the least similarity of means

between constructing the piers of a Mole here, and the piers at Ramsgate or of Plymouth Breakwater.

I do not certainly know from what quarter other projectors sheltering Table Bay with a Breakwater (which has been talked of) proposed to procure the material for building it, but suppose that it was from the quarries in the Skirts or Foot of Lion's Rump.

If this supposition is correct, it must (in building a Breakwater) have added materially to the expence, compared with procuring the stone at only a few yards from where it would be wanted, not indeed merely on account of the difference of distance to carry it, but still more so from the greater depth of superincumbent soil and rotten stone resting upon the rock suitable for that purpose, round the skirts or foot of Lion's Rump, than there is upon the same species of rock along the west shore of Table Bay, which rock is of the whinstone or basaltic genus; that is to say, the whinstone rock along the shore nearly protrudes to the surface, while in the skirts of Lion's Rump it is found at thirty and forty feet depth below the surface, all which superincumbent mass must be wheeled away before the rock is laid bare and can be quarried. Hence the constructing of a Breakwater or a Mole with Materials from the Rump would perhaps be double the expence that it would otherwise be if constructed with the same material or stone quarried at only a few yards distance. The stratum of this rock rises both in the Rump, and upon the shore at an angle of from 80 to 85 degrees from the horizon, and in some parts it is nearly perpendicular. It is therefore easily split and quarried. Its specific gravity is 2.6. The existence of this stratum of so suitable a rock so near where it is wanted, and easy to come at, may ultimately prove more beneficial to the Colony than the discovery of a gold mine, and holds out the strongest inducement for constructing a Mole, the necessity of which has perhaps no better comparison than that of being only equalled by a local advantage and facility in its construction.

As there is an example set in the employment of convicts at the great Breakwater now in progress at Bermuda, I take the liberty to suggest that able Male Convicts, procured from England to the amount of one hundred or more, might also be employed upon a similar public work in Table Bay: because

with these alone as Labourers this great and useful work might be effected. And surely considering how great an acquisition the accomplishment of this plan would be not only to the Colony but also in a national point of view, this boon would not be withheld by the British Ministry, but on the contrary some further aid would doubtless be granted to carry this useful work into execution.

Presuming then that one hundred and twenty Convicts were employed in this public business, they might be conveniently accommodated and secured at nights in Amsterdam Battery; and to prevent them straying from their work a wall might be raised enclosing the quarries and inner ends of the piers.

The calculation therefore for forming an estimate of expence for constructing the piers of the mole E K G would then stand as follows:—

As the specific gravity of the Whin Stone or Basaltic rock of which these piers would be constructed is 2·6, a cubic yard of it would therefore weigh nearly two tons. In round numbers I calculate it at two tons. Hence having the dimensions of the piers given, their contents in yards and tons are easily calculated. In the first place I commence my calculation for protecting the Breakwater G H.

From the Oil House P over the rocks to G at low water mark the distance is 100 yards in length. Call its width at the base 30 yards and 20 at the top, its mean width of base and top would then be 25 yards. Call its height 5 yards. The number of solid yards in each yard length of pier 125. The length of this portion of the Breakwater is 100 yards. Contents in yards for the first 100 yards of Breakwater F G 12,500.

The next portion of the Breakwater from G to H is 300 yards in length. Its width the same as above, and average height or elevation 8 yards. Hence width 25 yards, height 8, number of solid yards 200, length of Breakwater from G to H in yards 300, contents in yards from G to H 60,000.

Contents of F G as above 12,500, solid contents in yards of the Breakwater P G H 72,500 yards.

With the Breakwater in front the Northern arm or pier G F of the outer plan might be only of the same width, namely 30 yards at its base and 20 upon the top. Hence its medium

width would be 25 yards. The average elevation or height would be 12 yards. Contents in yards to each yard in length of pier 300. The length of this arm of the Mole or Pier G F is 500 yards. Solid contents in yards of the pier G F 150,000.

The Southern arm or pier E F of this Mole might be considerably less in Substance. Half the width of G F would be amply sufficient. But call it 18 yards at its base, and 12 upon the top, the medium width of base and top is then 15 yards. Call its medium height or elevation 10 yards, contents in yards for each yard length of pier 150, the length of the pier E F 400 yards, contents in yards of the full length of pier E F 60,000.

The contents in yards of the Breakwater and piers collected stand thus :

	Yards.
The contents of the Breakwater P G H	72,500
The contents of the Pier G F	150,000
The contents of the pier E F	60,000
<hr/>	
Total solid contents in yards	282,500

Number of tons of stone in a square (cubic ?) yard 2, total weight in tons in the whole work 565,000.

Experience would soon teach the best mode of rendering the services of the convicts employed (suppose to the number of 120) most available. In the mean time I would however divide them into six separate parties (being 20 in each) supplied with all the necessary quarrying implements, barrows, drays, &c., employing two of the gangs in a quarry for procuring materials for one arm or pier of the Mole, and two gangs in another quarry for the other arm or pier, carrying them both on together, and one gang upon each pier placing the stones ; thus 120, or any greater number of labourers, might be divided and actively employed. Thus they might, I conceive, add two tons each man per day, or at least altogether 200 tons per day, which would make in the year (supposing it to contain 300 working days) 60,000 tons. Hence the product (quotient ?) of the above 565,000 divided by 60,000 is nearly $9\frac{1}{2}$, the number of years it would take by this calculation to construct the Mole E F G with its accompanying Breakwater G H, and

the estimate of expense for constructing them may be as follows :

The rations for each convict might be £5 per annum, which multiplied by 120 = £600.

The clothing &c. say £5 per annum, which multiplied by 120 = £600.

The Salary for six Masons, being one to each gang, at £50 per annum = £300.

The Salary for four Blacksmiths at £50 each per annum = £200.

The Salary of an Engineer per annum £500.

For Implements, as Drays, Carts, Barrows, Railways along the Piers, Hammers, Wedges, Crowbars, Pickaxes, Shovels, Materials for a Blacksmith's Shop, Augurs for boring, and Powder for blowing up the Rock, Tackles and portable Winches for lifting heavy Stones, Timber and Plant for projecting moveable Stage work at the Ends of the Piers, and all other contingencies say £10,000 in the whole, or per annum £1,000.

Total per annum £3,200. If the Mole should be constructed in $9\frac{1}{2}$ or 10 years, multiply this by 10, the whole Cost for the Piers of the Mole E F G and Breakwater G H being only a little more than one Shilling per ton, = £32,000.

This calculation may however be subject to error, as all estimates are. But should the expense be double this estimate it would still be trivial compared with the magnitude of the work and the utility of the Mole thus constructed, a Mole that would admit Line of Battle Ships with all their guns, tackle, and stores on board.

To construct the piers of a Mole on the plan E K G including its Breakwater C H, which would also admit Line of Battle Ships upon emergency, the expense might be a quarter less.

To construct a Mole on the plan A B C, which would take in Fifth rate men of war with their guns, tackle, and stores on board, and even Line of Battle Ships when lightened of their guns and stores, the expense (including the accompanying Breakwater C D) might be one third less than for building the piers of the mole E F G and its Breakwater G H.

Thus it appears that a Mole or Harbour in Table Bay may be constructed in the manner described at a charge far beneath

what others might estimate ; for it is I believe universally supposed that the Stones for its formation could only be procured from the quarries in Lion's Rump.

Indeed the formation of a Mole in Table Bay would be a tempting speculation for Capitalists providing certain pier dues or Wharfage were guaranteed to them in perpetuity or for a long term of years. But as monopoly is becoming every day more odious to the nation and the Mole here proposed being so highly necessary for the prosperity of the Colony and in a political point of view useful to the Nation, the British Ministry would doubtless take this case into serious consideration should Your Excellency deem it proper to transmit to them this Survey and Report, as of late years they have manifested a laudable policy and humane disposition by patronizing this species of protection for the safety of lives and of shipping. Hence the construction of a Breakwater in Plymouth Sound and another now in progress at Bermuda, solely I believe at the Government expense. These great and useful works through all ages will be the means of saving Thousands of lives and Millions in property, and so might a similar Shelter in Table Bay perform the same useful office for this place where Ships resort the most richly laden.

Although the time of the British Government at this Colony is but very short, yet there have occurred many awful scenes of Shipwreck during that time, for want of such a harbour, and should the anchorage in Table Bay still continue unsheltered infinitely more similar disasters lie hid behind the veil of fate.

The Ministry indeed does not alone partake of this laudable policy and humane disposition, the whole legislature shares in it. Hence the numerous Revenues or Funds granted during the last 30 years for the Establishment of new lights and support of old ones, the construction of new piers and improvement of old harbours at every Seaport round the Coasts of the United Kingdom. As the Breakwater in Plymouth Sound may be the means of saving Channel Fleets from destruction, so may the Breakwater at Bermuda save Fleets of men of war and transports destined for the protection of our West India Colonies, and so indeed might a harbour in Table Bay perform a similar service upon this important station.

Should the British Government be pleased to devote to this Service one hundred and twenty able Convicts from England, and the Ministry were to grant to it three thousand pounds per annum for 10 years, there scarcely remains a doubt but that a fine harbour would be formed in that time, and that by reasonable Pier dues levied upon all Ships coming to this Port and Wharfage without exception upon every description of Produce, Passengers' baggage &c. shipped and landed (as the formation of a harbour here is paramount to every other commercial consideration) but that the Interest of this Money might be paid and at some future period perhaps the Capital also redeemed.

The mode of building the piers of this Mole might be similar to that adopted in the construction of the Breakwater in Plymouth Sound, rough and strong with a Base scarcely double the width of the top, so that waves might not at once dash against it but run up its side and exhaust themselves. The Top of the Southern Arm or pier for general convenience might be smoothed as before noticed by McAdamizing. As to the capability of the piers standing there is not the least doubt, since without enumerating various other instances the Breakwater in Plymouth Sound is proof to as violent concussion as the Breakwater C D or G H here proposed could be subject to.

It is true that some Stones in the former may often be misplaced by the sea, but that does not in the least diminish its value. It must for ever remain a Breakwater. In this however there is a Mile in length to secure against the breaching effects of the sea. Whereas by securing a Breakwater as C D to the length of 250 yards, or G H 350 yards off into Table Bay, the proposed piers A B C or E K G or E F G would be sheltered and thereby secured, and the Mole rendered perfectly smooth in the most stormy times.

Finally should any of the plans here proposed meet approbation and be commenced with, it would be highly desirable that the work should be carried on with all possible dispatch, not only because it might be the means of preventing many fatalities if constructed in half the time of that previously calculated, but its revenue would also become in the same ratio of time applicable to its support. Therefore if 500 able

convicts were employed upon it instead of 120, a Mole might be constructed in three years instead of nine or ten.

I have &c.

(Signed) ROBERT KNOX,
Of Scarborough, or at Messrs. Cookes & Long,
No. 60, Mark Lane, London.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

NEWLANDS, 8th June 1825.

GENTLEMEN,—In doing myself the honor to acknowledge the receipt of your letter of the 6th Instant, submitting to me an extract from your Report to Earl Bathurst relative to the project of erecting an English Church here, I beg to express to you my best acknowledgements for the reference you have made to me on that Subject.

My reasons for not adopting the Suggestion of erecting a Church here by Subscription from Individuals were that I *knew* that the pecuniary circumstances of the Community rendered it hopeless that an adequate Sum, or even more than one fifth of the required sum, could be so raised, and I was equally convinced that the expense could not be borne from the revenues of the Colony. The Society for propagating the Gospel in Foreign parts at that time offered to grant £500 Sterling in aid of erecting a Church in Cape Town, but in a Letter addressed by me to Mr. Goulburn, under date 14th February 1821, I solicited Earl Bathurst's influence to obtain the aid proffered for the erection of a church at Graham's Town, where and in its vicinity a large population of English was concentrated and who were totally destitute of the means of divine worship. His Lordship concurred with me in opinion, and the sum has since been applied to the erection of the Church at Graham's Town, now in a very advanced state.

I do myself the honor to enclose the Copy of a Letter I addressed to Earl Bathurst on the 27th of January last, to

which I have as yet received no answer, but I continue to think that the measure there proposed is the only one consistent with the resources of the Colony, which can ensure the success of this desirable undertaking. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from MR. D. P. FRANCIS to R. WILMOT HORTON, ESQRE.

8th June 1825.

SIR,—In my Interview with Mr. Hay the Gentleman whom you referred me to on the 30th ultimo, it appeared to me that he was unacquainted with the nature of my case, it being quite new to him until I explained some of the matter connected with it.

In consequence of this circumstance (although Mr. Hay paid me every attention) I have deemed it expedient, from necessity, to trouble you with the nature of my application to Earl Bathurst on this occasion, conceiving your being better acquainted with the subject in question than Mr. Hay, as well as the situation I found it necessary to explain to yourself and Lord Bathurst on a former occasion I was placed in, in consequence of the Circumstances contained in my memorial of the 16th of April last has induced me to solicit you will be pleased to draw Earl Bathurst's early attention to the enclosed letter and application, trusting that the necessity which has obliged me to trouble His Lordship on this occasion will plead a sufficient excuse for troubling you, without recurring to the unpleasant subject of those Difficulties which I have previously mentioned. I have &c.

(Signed) D. P. FRANCIS.

P.S. My address will be Maldon, Essex, for some time.

[Copy.]

Circular to Heads of Departments.

9 June 1825.

SIR,—I am directed by His Excellency the Governor to recal your Attention to the Instructions for Heads of Departments transmitted to you in a Circular Letter from the Colonial Office, under date the 15th of November, 1822, and to acquaint you, that no unfixed Contingent Expende of any description will be sanctioned by His Excellency the Governor in future, unless the following forms have been previously attended to :—

1st. The Application in the first instance must be made Officially to the Secretary to Government.

2nd. It must include an Estimate of the Cost of the Articles required—or of the Work or Service to be performed—unless the Work be proposed to be done by Contract, when such Proposal must be stated in the Application.

3rd. In case, from any peculiar circumstances, it may not be practicable to forward an Estimate of the Work proposed to be done, such circumstances must be detailed in the Application to Government.

4th. Should the Governor be pleased to sanction the proposed Expende, a Printed Authority for incurring the same will be issued, which Authority is to accompany the Account, when completed, in Original, and will be considered as a necessary Voucher for the same, in lieu of the Copy required by the Instructions.

5th. The Forms of Accounts and of Certificates required for Buildings, or Repairs thereof, or other Public Works, are detailed in the Instructions,—and must be strictly attended to.

I have &c.

(Signed) RICHD. PLASKET,
Secretary to Government.

[Copy.]

Instructions to Heads of Departments, relative to the Colonial Expenditure.

First.—The Expenditure of your Department divides itself into Ordinary, and Extraordinary, or Contingent.

The Ordinary consists of your own Salary, and the Salaries, or fixed Allowances, granted to every Individual employed under you.

The Extraordinary, or Contingent, includes all the various Contingent Expences which it may be necessary to incur.

In the Expenditure, under both these Heads, you will be guided by the following Instructions :—

Ordinary.

Upon receipt of these Instructions, you are to prepare a List of the Civil Servants employed under you, including yourself, and of the Establishment and Salaries, or fixed Allowances, attached to each ;—together with the Names of the Persons holding those Offices, and with reference to the Authority under which they have been appointed thereto ;—this List is to be denominated ‘The Schedule of the fixed Civil Establishment of your Office.’

Second.—You are to transmit a Copy of this Schedule with the first Quarterly Account which is sent in after the receipt of these Instructions, to the Auditor General.

Third.—You are not to make any addition to the number of Persons stated therein, or to the Salaries and Allowances granted to each, unless such Increase is previously sanctioned by His Excellency the Governor ; and you are to transmit, with the Accounts, a Copy of the Authority under which the addition has taken place.

Fourth.—All Payments of Ordinary Expenditure are to be vouched by Acquittances in Triplicate, conformably to the Forms transmitted to you, by Circular Letter of the 16th of August, 1816.

Extraordinary or Contingent.

Fifth.—This Head of Expenditure is to be sub-divided into fixed Contingencies, and unfixed Contingent Charges.

The fixed Contingencies are such as are contingent in their amount, but certain in their nature ;—for instance, the Expences incurred for Stationery, as though the amount is uncertain, yet some expence under this Head is sure to be incurred.

Upon receipt of these Instructions, you will prepare a Schedule of all such fixed Contingencies as have been sanctioned by His Excellency the Governor ; and you will transmit a Copy thereof, with the first Quarterly Accounts, to the Auditor General.

Sixth.—You are to take care not to incur any Expence for any fixed Contingency which is not included in that Schedule, unless you are authorized to incur the same by His Excellency the Governor, in which case you are to forward, with your Accounts, a Copy of your Authority for so doing.

Seventh.—You are to transmit, in support of all fixed Contingencies, regular Vouchers, from the Individuals to whom Payments are made, referring in every instance, either to the Schedule, or subsequent Authority, under which the Expence is sanctioned.

Eighth.—Unfixed Contingent Charges are such as are not certain to be incurred, and are equally uncertain in their Amount, namely, the erection or the repairs of Buildings or Roads, the purchase of Stores, &c.

No Charge of this description is to be incurred by you, without the Authority of His Excellency the Governor.

Ninth.—The following General Rules, with regard to Contingent Expenditure, are to be strictly observed by you, subject to the preceding Instructions.

1.—No unfixed Contingent Charge is to be incurred without His Excellency the Governor's *previous* Authority, which is to be accompanied by an Estimate of the probable Amount to be expended, in all instances where such Authority and Estimate can be obtained ; and Copies, both of the Authority and Estimate, together with the Originals, for collation, will be considered as necessary Vouchers, in the examination of the Accounts by the Auditor General.

2.—No Person interested in the Expenditure is to be admitted to vouch for its correctness.

3.—Upon the completion of any Expence, an Inspection of

the Work performed, or the Articles purchased, is to take place, and be reported upon, in Cape Town and its Vicinities, by the Inspector of Buildings, and in the Country Districts, by the Landdrost, or other Magistrate nearest to the spot, assisted by a qualified Person. The Report thereon is to be transmitted with the Accounts. In the Instance of the erection or repair of Public Buildings, or Work, such Report is to specify whether the Work has been completed according to the Terms of the Estimate, and in a proper manner. In the instance of the purchase of Stores, a Report with regard to the quantity and quality of the Articles purchased, and a Receipt from the Person in whose charge such Stores are placed, are to form a part of the Vouchers.

From this last general Rule the Districts of Graaff-Reynet, Albany, and Uitenhage, are to be considered as in some measure exempted, since His Excellency is pleased to dispense therewith with regard to them, in all instances of Contingent Expenditure not exceeding in amount One Thousand Rix-dollars, with this general Proviso, however, that a Certificate shall be endorsed of the receipt of Stores purchased, and of their being of good quality, signed by the Person receiving them, on the Bill for the same.

4.—All Charges of a Contingent nature are to be vouched by Bills and Receipts, in Triplicate, according to the Form, No. 2, transmitted to you by the aforesaid Circular Letter of the 16th of August, 1816;—and two Witnesses to each Receipt are to be required.

5.—For all Charges for Buildings and Repairs, authorized upon Estimate, regular detailed Accounts of the Expences actually incurred, (including a specification of Materials, Time, and number of Labourers employed, if it be Day Work, and Particulars of Measurement, if it be measured Work,) is to be invariably produced. The Receipt of the Party for the gross Amount of the Estimate not being a sufficient Voucher, as it is presumed the actual expence may frequently fall short of that estimated for.

[Copy.]

Government Advertisement.

His Excellency the Governor being convinced, from various sources, of the endless diversity and novelty of the Natural Products of this Colony, is most desirous to make them in future a subject of particular attention. His Excellency has therefore directed an Establishment to be formed in Cape Town, under the Title of "THE SOUTH AFRICAN MUSEUM," for the reception and classification of the various objects of the Animal, Vegetable, and Mineral Kingdoms, which are found in South Africa, whereby an opportunity will be opened to the Colonists of becoming acquainted with the General and Local Resources of the Colony,—His Excellency trusts, therefore, that the Inhabitants will aid him with their exertions, in contributing whatever it is in their power to collect, to promote an Institution so interesting and useful.

His Excellency has been pleased to nominate Dr. ANDREW SMITH, M.D. to be Superintendent of this Institution, to whom all communications are to be made, addressed to him, at the SOUTH AFRICAN MUSEUM.

His Excellency has selected an Apartment in the Public Library, to place the Collections in for the present ; and it is His intention that this Museum should be open to the Inspection of the Public, at stipulated hours to be hereafter fixed.

Cape of Good Hope, 10th June, 1825.

By His Excellency's Command.

(Signed) R. PLASKET, Secretary to Government.

[Copy.]

*Letter from the Landdrost of Worcester to the
Commissioners of Enquiry.*

LANDDROST'S OFFICE, WORCESTER, 11th June 1825.

GENTLEMEN,—I have had the honor to receive your letter of the 3rd Instant covering a List of queries you directed me

to propose to Mr. Tulleken the Land Surveyor, but as Mr. Tulleken's health is a little improved, he has determined to proceed to Cape Town. I have therefore the honor to return you the interrogatories herewith by favor of Mr. Tulleken.

I have &c.

(Signed) C. TRAPPES.

[Original.]

Letter from Mr. D. P. FRANCIS to R. WILMOT HORTON, ESQRE.

5 JEFFREYS STREET, KENTISH TOWN, 11th June 1825.

SIR,—I had the Honour of transmitting through you to Earl Bathurst a Letter dated the 24th ultimo, on the subject of my Memorial of the 16th of April, the substance of which Letter I refrain from adverting to on the present Occasion further than requesting the favour of being Informed if Earl Bathurst has been pleased to cause those Inquiries to be made of Sir Rufane Donkin, or Henry Ellis Esqr., which I solicited of his Lordship in my Letter of the above Date, and whether if Earl Bathurst has been pleased to Comply with my Solicitation there have been any Directions from his Lordship upon the Subject.

There having been several arrivals from the Cape since I had the Honour of waiting upon you when you informed me that the Commissioners' Report was daily expected, I therefore take the liberty of inquiring if their Report has yet arrived.

I have &c.

(Signed) D. P. FRANCIS.

P.S. After to-morrow I shall be at Maldon in Essex for a few Days, where I hope to be favoured with a reply to this Letter.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 12th June 1825.

MY LORD,—I have the honor to transmit to Your Lordship a Letter addressed to me by Mrs. Mary Duckitt Widow of the late Mr. William Duckitt who came here from England in 1799 under the circumstances stated in the Annexure B, claiming under a Clause in that Document a Pension of One Hundred and Fifty Pounds per annum. As there does not appear in the Office of this Government to be any Documents relating to this subject, I do myself the honor to solicit Your Lordship's commands thereon.

I have to add that Mrs. Duckitt is a most respectable Person, and that from minute enquiries I have lately made, I have reason to know, that the late Mr. Duckitt's affairs became so precarious previous to his death in consequence of the many losses he experienced, that she will be left in the most indigent circumstances, unless her claim to Pension be established.

I have &c.,

(Signed) CHARLES HENRY SOMERSET.

[Enclosure A in the above.]

KLAVER VALLEY, May 1st 1825.

MY LORD,—Your Excellency is aware of the deep and afflicting calamity which has befallen me in the loss of my dear Husband on the 13th April last, and which compels me to apply to Your Excellency for the Pension, £150 per annum, settled upon me by His Majesty's Government, when my late dear Husband was engaged under the authority of the Secretary of State for the Colonies (the Right Honorable Henry Dundas) to quit his native country for the purpose of improving the agriculture of this Colony.

Your Excellency is well aware of my late dear Husband's unremitting exertions in agricultural pursuits, and which, in consequence of the calamities which the agriculturists in this Colony have of late years experienced in repeated Blights and

Tempests, aggravated also in his case by the heavy misfortune of his house being destroyed by fire on the 24th January 1817, by which he suffered a loss of property amounting to 15,000 Dollars, have caused him to leave myself and three sons almost entirely destitute.

Under these circumstances I need not urge with your Excellency the importance of my receiving the stipend settled upon me in my late Husband's agreement with His Majesty's Government, and have therefore to solicit Your Excellency to give the necessary directions thereon. I have the honor to enclose for your Excellency's information and satisfaction, the Documents which contain my late dear Husband's agreement with His Majesty's Government, and which satisfactorily establish my claim, and have the honor &c.

(Signed) MARY DUCKITT.

His Excellency Lord Charles Henry Somerset.

[See Volume containing Documents of 1799.]

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 12 June 1825.

MY LORD,—I have the honor to transmit to Your Lordship copy of a correspondence which has taken place between the Commodore, Commanding His Majesty's Ships and Vessels on the Cape Station and myself, relative to the Supplies of Tea required for the Squadron being allowed to be sold by the Company's Agent to the Agent Victualler free of Import Duty, and I trust Your Lordship will approve of my having consented to remit the Duty on Tea for the consumption of the Navy, it being the only means which (under the very oppressive monopoly in the Sale of Tea here possessed by the East India Company) could enable the Seaman to enjoy the late beneficial change in the Articles of his Diet. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Owen Glendower, SIMON'S BAY, 24 May 1825.

MY LORD,—I have the honor to represent to Your Excellency that the British Navy is victualled according to a new scheme, and it has been considered very important, having succeeded in reconciling the crews of His Majesty's Fleet to acquiesce so cheerfully in the reduction of their former allowance of spirits by the substitution of Tea in lieu. Sensible of the great benefit that has already accrued in the health and moral character of British Seamen and observing that the crew of the *Owen Glendower* are remarkably sober at sea ; it is with considerable regret that I find the Agent Victualler is unable to obey my orders and victual his Majesty's Squadron under my command, in obedience to the new scheme of victualling above mentioned. I am therefore induced to take the liberty of bringing before Your Excellency the question of the Colonial Duty on Tea, persuaded that Your Lordship will feel that it is most desirable that when so much has been gained in character by British Seamen, it is my duty to endeavour to prevent their having any just ground for complaint and carefully to avoid giving them cause to regret the diminution in their allowance of spirits which has been productive of so much good. With this feeling I venture to make this appeal to Your Excellency. Mr. Hawkins the Agent of the Honorable East India Company cannot supply Tea at the price fixed by Government, and which my Instructions will not permit me to exceed, and as the quantity of Tea required for the use of His Majesty's Squadron is small, I indulge the hope Your Excellency will have the goodness to allow a drawback on Tea, in order that the Squadron under my command may be supplied with it. The proposed alternative of importing inferior Tea from China, may prove worse than doing without it. I am anxious to prevent the Crews of the Squadron regretting their Spirits, and should the point of view in which I have placed this matter be considered by Your Excellency as correct, I trust it will induce a compliance with my request. I have &c.

(Signed) HOOD H. CHRISTIAN, Commodore.

Enclosure 2 in the above.

NEWLANDS, 28th May 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 24th Inst. and to acquaint you that altho' by the Regulations of this Government no drawback can be allowed upon Articles landed here and on which Import duty has been levied whether purchased by His Majesty's Navy or any other Branch of His Majesty's Service, still I can see no objection to the Agent Victualler procuring from the Honourable East India Company's Agent such quantity of Tea as may be required for His Majesty's Navy, provided it be taken from the Stores of Tea, which that Officer is allowed to keep in Deposit (without paying Import duty until sold).

To this arrangement I can have no objection, as it places the Naval Ships and Vessels Department on the same footing as if it imported the Tea on its own account. And I shall be happy to authorise the issue duty free of the quantity required from the Deposit Stores of the Honorable East India Company, upon a certificate of the Agent Victualler that such supply is required for the use of His Majesty's Naval Service on this Station. I have &c.

(Signed) CHARLES HENRY SOMERSET.

Commodore Christian.

[Copy.]

Note from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT-COLONEL BIRD.

CAPE TOWN, Monday, 13 June 1825.

The Commissioners of Inquiry present their compliments to Lieutenant Colonel Bird, and beg leave to state to him that in consequence of the information disclosed in his answer to the 11th query of the series they had the honor of transmitting to him on the 21st April last, respecting the seizure of a sum of money by certain members of the Dutch Administration on

the capture of the Colony by the British Forces in January 1806, they have referred to the Despatch Book in the Colonial Office of the year 1806, and find in a Despatch of Sir David Baird addressed to Mr. Secretary Windham, under date the 8th March 1806, that after some correspondence with Mr. De Salis, the Acting Governor, in the absence of General Janssens, he himself and the other Individuals to whom he had delivered different proportions of money from the military chest had refunded the sums they had received, and that the amount was paid to the Prize Agents on account of the captors.

The commissioners have found, in a subsequent Despatch of Mr. Windham, that this Military Fund was not deemed by the then King's Advocate, Sir John Nicol, to constitute Prize Money due to the captors of the Colony, and that it was his (Mr. Windham's) opinion that Sir David Baird ought to have applied it to the payment of a military Debt that was left unpaid by the Dutch Administration, rather than to have discharged that debt through the means of the Colonial Funds ; but the Commissioners have not been able to discover that any doubt was suggested from home of the actual repayment of the money by those who had received it, altho' they have been informed that one of those Individuals, a member of the Court of Justice, was unable to refund the share that he had taken, and they have not found that it has since been repaid by him.

The Commissioners therefore will feel obliged to Lieutenant Colonel Bird to state whether he recollects that any late demand has been transmitted from England requiring repayment of the Shares of the Dutch Military Fund by the Persons to whom it was so distributed, and whether he has reason to doubt the accuracy of the representation of Sir David Baird as to the repayment.

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Author Theal, George McCall (ed.)

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